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**THE QUARTERLY JOURNAL OF
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OF THE UNITED STATES AND CANADA**

Public Personnel Review

*The quarterly journal of the Civil Service Assembly
of the United States and Canada, devoted to the
improvement of standards and practices in public
personnel administration.*

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THE CIVIL SERVICE ASSEMBLY

THE Civil Service Assembly of the United States and Canada is an association of public agencies, officials, and private citizens engaged or interested in public personnel administration. The constituent public agencies of the Assembly are civil service commissions and boards, or personnel offices serving a particular governmental department or division. They serve national, state, and local governments of the United States, and Dominion, provincial, and local areas in Canada. The Assembly was organized in 1906 by officials and others actually engaged in civil service and other public personnel activities in order to provide mutual help in meeting common problems and to improve public personnel administration. A Headquarters Office has been established at 1313 East 60th Street in Chicago, Illinois, to serve as a clearinghouse for information on public personnel matters.

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Public Personnel Administration in the National Emergency

GEORGE F. GANT

THE UNITED STATES is at war. This is a total war, requiring the maximum use of all manpower at home and on the front; it is an engineering war, one of material and machines, requiring the maximum development of skills and the strategic location of those skills. The United States will win this total, this engineering war. The speed of victory will depend in great part upon the speed with which personnel is assembled, trained, and placed. Public personnel administration can accelerate the accomplishment of this vital task by cooperating in the total national effort and by doing its job for each of the federal, state, and local agencies.

This country has been engaged in a program of national defense since September 8, 1939, when the President proclaimed a state of limited national emergency; a state of unlimited national emergency was proclaimed on May 27, 1941. The role of public personnel administration in the defense effort, considered by the Civil Service Assembly at its 32nd annual meeting, was scrutinized with even greater care at the 33rd annual meeting, held at Jacksonville, Florida, October, 1941. This scrutiny revealed at once that, whereas the members of the Assembly are aware of the general and professional problems of personnel ad-

ministration in the emergency, they are more concerned with the way in which public personnel agencies may best serve the national defense effort. It is recognized that each personnel agency has a clear responsibility to serve its own jurisdiction, and it bears an equal responsibility to perform these local functions within the pattern of the total national effort. This general conclusion is borne out by the treatment of specific policies and practices discussed by and before the Assembly's panel.

The defense program involves a tremendous expansion of the nation's armed forces, of its industrial resources, and of its governmental (particularly federal) functions. The mass rearrangement of personnel must be accomplished rapidly; but the program should be carried out in such a way as to limit as much as possible the competition between the several key defense agencies, and so as to disrupt the other governmental and economic services as little as possible. The absence of personnel priorities and the probable impracticability of establishing rigid priorities for manpower, makes it essential for public agencies to initiate a policy of cooperation and coordination with respect to their personnel practices. The reports presented at Jacksonville indicated that this kind of cooperation and coordination was the goal of most personnel agencies. They were particularly concerned with positive policies which would not bar defense agencies, private and public, from securing the transfer of personnel to defense activities and which would not penalize the individual who volunteers his services.

GEORGE F. GANT is Director of Personnel, Tennessee Valley Authority. This article is based on the panel discussion, "Meeting Personnel Problems in the National Emergency," at the 33rd annual meeting of the Civil Service Assembly, October 27, 1941; Earl DeLong, *Chairman*, Kenneth G. Beggs, G. Lyle Belsley, Charles H. Bland, William L. Henderson, O. E. Myers, and Carl T. Sutherland participated; the summary was made by George F. Gant.

TREATMENT OF EMPLOYEES IN ARMED FORCES

THE deferment procedure provided under the Selective Service Acts recognizes the need for defense personnel in industry and government as well as in the armed services. Most public agencies, however, have been very conservative in their deferment requests. Some refuse to request any such deferment, preferring to share the total burden by filling vacancies so created by an extension of their own recruitment programs. In addition, and almost without exception, the employee who is called to armed service is protected not only by the retention of his position or its equivalent, but also by the continuation of his leave, retirement, and seniority privileges. The law requires that this kind of protection, of course, be provided employees of the federal government. Some agencies feel their responsibility so keenly that they offer reinstatement and other privileges to those of their employees who volunteer for the armed forces; one or two reported that under certain circumstances they provide these privileges to employees who go to the defense industries. Several public agencies continue to pay their employees in the military service for limited periods and in limited amounts. Portland, Oregon, for example, continues to pay an employee in armed service his salary for not longer than three months, if the amount does not exceed \$200 a month. But this is an exceptional provision. Several public agencies protect the interests of candidates or of employees in the armed services by retaining their status on employment and promotion registers, and by offering these individuals the opportunity to take promotion examinations while in camp. This practice is growing in use.

Policies which involve reinstatement privileges are also concerned with conditional appointments or other methods of preparing for the return of employees. Many agencies of the federal government make only contingent replacements, but

most other public agencies still depend upon normal turnover to meet their requirements. Conditional appointments made in these cases create difficulties; the majority of replacements are arranged by promotions, which brings about several changes in status for each replacement caused by transfer to defense service. Another difficulty in the conditional appointment system is the natural reluctance of a prospective candidate to accept a position of limited tenure. The conditional appointment, therefore, is more frequently used as a device to avoid a lowering of standards when the available candidates possess limited qualifications. On the whole, the emphasis has been upon the ways in which public agencies may serve the national personnel effort without discouraging individual employees from volunteering for military or defense service.

DEFENSE DEMANDS AND THE REGULAR JOB

THE cooperation of public agencies in the national personnel job is not limited to the policies and practices pertaining to their present employees. The agencies participate also in the nationwide effort to recruit new staff—particularly for defense positions in the federal government. The examination registers of many local and state agencies have been made available to the United States Civil Service Commission and to the federal departments. Some single examinations are given with this dual use in mind, and others are planned which will be conducted jointly. The possibilities of these cooperative recruitment enterprises are being energetically explored by a project sponsored jointly by the United States Civil Service Commission and the Civil Service Assembly. It was reported to the panel that the use of locally developed registers has been in some cases more favorable to the federal government than to the local agency that created the register, and that a certain amount of reluctance to sever traditional but unjustifiable red tape was yet to be overcome. Current problems, however,

should not stand in the way of cooperation on the part of agencies at all levels of government, especially when the need for accelerated recruitment methods will have become more pressing.

It is inevitable that a panel discussion of vital problems in personnel administration should tend to lay particular emphasis upon those policies and practices that would represent the most rapid and sweeping advance to meet any current need. The many known deficiencies and gaps in the more routine efforts of administrators might consequently appear to be overlooked. While subjects in this category were touched upon but lightly during the conference, there was substantial evidence that the participants were aware of these weaknesses; they voiced their determination to bring all efforts to bear on correcting them to the purpose of better serving their own jurisdictions and of making the contributions of public personnel administration count in meeting the needs of the nation at war.

The problems requiring treatment are obvious, and although there was some reluctance on the part of the conference to consider departures from traditional routines and time schedules, the problems appeared so pressing that the necessity of modifying peacetime practices was granted. Replacement was considered to be the basic problem. It was recognized that the flow of personnel to the armed forces, to defense industries, to public defense agencies, and to new and important public functions could not and should not be shut off or slowed up. This process necessarily demands that methods and techniques which would draw new personnel to close up the ranks should be renovated and developed. It was clear that many new devices of the familiar positive recruitment process were being worked out and used more widely. In other words, personnel agencies are now learning how to "beat the bushes" for competent and qualified candidates. They make greater use of radio and newspaper publicity, form more direct and effective relationships with the

primary sources of candidates, and also make more strenuous efforts to reach individual candidates directly.

EMERGENCY RECRUITMENT METHODS

WHAT we call "positive recruitment," is not the complete answer, however, because fully qualified candidates are not available. But there are other constructive recruitment methods at hand which are being recognized and perfected, at least in a few of the agencies. One of the most promising of these is "positive classification," or the rearrangement of responsibilities and functions to use fully the now unused capacities of the available staff. Another is the aggressive use of training as an integral part of recruitment. This process might be called recruitment-training. Either or both of these methods would seem to promise better results than the lowering of standards, which all personnel and other public administrators fear but sometimes accept. Incidentally, the lowering of standards is probably a misleading conception inasmuch as it presumes an ability to define minimum standards in the absolute rather than to judge desirable standards in terms of the relative qualifications of available candidates. In the past we have been able to attract candidates for positions which do not require the use of their full abilities and potentialities. This fact is the key to one solution of the problem of replacement.

The term "positive classification" has been used to mean the analysis of functions and work loads in terms of the available staff, and the organization of work and the delegation of responsibilities on the basis of this analysis. If technical supervision is thin in one section of an agency, for example, it is not inconceivable that it could be strengthened by increasing the number of levels in the administrative hierarchy. Or, if positions normally held by persons qualified to work independently cannot be filled, the work might be satisfactorily arranged by creating more positions involving less independence, and instituting closer super-

vision on the part of the better trained employees. A somewhat similar technique is the assignment of employees in pools rather than on an individual basis. This device enables the employer to use all the time of each employee; when areas of work are too finely divided it is sometimes difficult to keep each employee fully occupied.

The term "recruitment-training," as used during the panel discussion, designates a process of recruitment at a level or grade lower than that to be filled, when fully qualified candidates are not available. Rather than to lower standards, candidates with tested potentialities are recruited on the basis of a formal training plan which involves supervised production work, and which, when supplemented by related training, produces the skills and qualifications required in the positions which must be filled. This process allows the productive work to continue without lag while it permits the recruitment of potentially more able people than would the acceptance of lower standards. This approach holds greater possibilities for constructive solution than does a device more often used at present, namely, breaking down positions into smaller component skills which are then defined in jobs for which qualified personnel can be recruited. Although this latter device has its merits and its advocates, its major limitation, unless related to a training program, is that it involves the use of more employees.

Another and less constructive way of meeting the competition for personnel has been the piecemeal adjustment of compensation schedules. Such adjustments, except as they are based on a sound and continuous pay policy, have proved deleterious to employee morale and to consistent administrative handling of personnel. Even an adjustment of compensation schedules as a whole has led to difficulty when it has not been based on a foundation more sound than that of buying the interest and loyalty of employees. Furthermore, the lack of any sound pay policy would appear to involve an agency in a spiral of wage adjustments.

Public agencies have more often than not been unrealistic about salary scales, even when scales based upon sound classification plans existed. The unfortunate tradition, which persists in many jurisdictions, that public employment is less worthy of remuneration than private employment for similar work, reaps a sad reward in times like these. Increment and bonus plans and the relation of service ratings to salaries, while they merit some attention as corollaries to the larger problem, have often seemed to divert attention from the basic issue. The panel discussion did not imply that compensation schedules should not be adjusted. It emphasized that they should be reviewed, but on the basis of a sound, over-all approach, perhaps related to rates prevailing in private agencies, and not on bases concerned only with meeting immediate competitive or cost-of-living pressures.

COORDINATION OF DEFENSE AND NON-DEFENSE AGENCIES

IN SPITE of the general recognition of the need to release employees to the agencies most directly related to national defense, the panel discussion made clear that there must be some intelligent appraisal of the competing desires as between defense units and non-defense units within the same agency. In May, 1941, the United States Civil Service Commission was directed, by Executive Order, to refuse examinations or certification to any employee who did not submit the written assent of his department on the basis of the comparative value of the location of that employee's services. This kind of rigidity is not often necessary in smaller public jurisdictions, but in many cases its counterpart is found in less formal arrangements.

The need for coordination within or between public defense units or agencies and non-defense units or agencies also pointed to a review of priorities on personnel actions. While admitting the requirements of speed on the part of defense agencies, the

techniques so far used have not appeared satisfactory; they leave the personnel agency subject to great pressure from urgent and insistent administrators. The panel discussion revealed that priority measures, whether effected through normal procedures or special expediting procedures, have not wholly relieved either the pressure for swift action nor the absolute need of qualified employees.

Mr. Charles H. Bland, President of the Canadian Civil Service Commission, who has had more experience with these war-time pressures than most, was insistent that the principles of good personnel administration should be observed, but that sacred cows should be drowned or shot when this drastic measure is required to get the job done. The sacred cows in public personnel administration in the United States comprise a large herd whose bovine attractions are lost upon the administrator with a job to get done. He cannot be expected to wait out the milking process. The principles of sound public personnel administration will stand the test—we need have no fear for them. If some current practices do not get results, however, those practices must go; the tendency of some agencies and administrators to identify practices with principles endangers the principles. This danger threatens not only the principles of personnel administration, but also the contribution that personnel administration is determined to make to the defense effort.

THE REQUIREMENTS OF SPEED

MOST of the pressures on current practices grow out of the need and not merely the desire for speed in staffing to get a job done. Many narrow, refined examinations, near technical perfection, may be perfectly valid when the time and ability to predict personnel needs permits. The use of staff, the duplication of effort, and the short register-life which characterize certain technically perfect examinations might tend, however, in the current situation, to be barriers to good personnel ad-

ministration. Examinations for larger categories, either by agency, area, or series of positions, or all three, were indicated as necessary to meet the existing recruitment requirements. This device, supplemented by open and continuous register practices, would simplify, speed up, and lend economy and efficiency to recruitment and examination. Moreover, the availability of these broad category registers would, in many instances, permit a placement examination for selection involving the choice of a candidate for a specific position at a known time and place. This device would seem to make the selection process more rather than less competitive. The use of "selective certification" is a step in this direction.

The requirements of speed are not limited to the preparation of registers. They apply also to the red tape which now obstructs the process of getting an employee on the job. The emphasis now placed almost universally upon specific personnel action control involves, as every personnel administrator knows, a review and re-review of every personnel action proposal. This action not only takes time in itself, it also detracts from the freedom of the personnel staff to master its job and devise and apply the positive techniques that must be developed if the personnel part of the defense effort is to succeed. Moreover, a chain of reviews and approvals disperses responsibility so extensively that the adequacy of any one such review is open to serious question. An increasing number of the personnel agencies, including the United States Civil Service Commission, are searching out methods of delegating authority so that actions may be taken on the job without causing unnecessary duplication of review and delay. It is at this point that the distinction between principles, such as selection from competitive registers and adherence to a classification plan, may be distinguished from questionable practices such as the time-consuming development of too-narrow registers and the multiple review of a recommended action.

CONCLUSION

IT WAS heartening that the panel's discussion should lead to these conclusions: first, that public personnel agencies feel a responsibility both for the total national personnel job and for the personnel requirements of their own jurisdictions; second, that personnel administrators were fully aware that their services and accomplishments can be measured only by the success of the agency depending upon such services, rather than as measured by some remote standards unrelated to needs of the agencies. The national crisis has brought home this fact, that the job has to be done and done well, that rapid and effective staffing is indispensable. The personnel procedures that contribute to this end are valid; those which do not are invalid, regardless of the degree of perfection of some technique unrelated to time and place. This lesson, it is hoped, has been learned so well that it will not require relearning when normal times return. May there never again be a temptation to define the objectives of personnel administration separately from the objectives of the agencies served.

These conclusions, favorable and encouraging as they may be, should not dim the light which must be thrown on problems still to be faced. Many policies and practices devised to meet the present need, as illustrated by reinstatement privileges for employees in the armed forces, will un-

doubtedly require corollary policies and practices to meet the obligations and requirements that will mature between now and the end of the emergency period. Further, in spite of a growing awareness of the serious and gigantic effort required by total war, many public personnel agencies are not anticipating their full load. A preview of provisions that must be anticipated is contained in a recent order of the Canadian government, reported at the Assembly's meeting; this order operates against the appointment to the civil service of physically fit men between the ages of 18 and 45, inclusive, except as the public interest is involved. During the last world war, women comprised nearly 75 per cent of the federal appointments made by Washington; in the field branches of the service the proportion was about one woman to two men. A personnel agency with a realistic approach to its problems of the immediate and far future is warned by facts such as these.

The Jacksonville meeting of the Civil Service Assembly, as its thought was reflected in the panel discussion, left no doubt that those who represent public personnel administration are determined to anticipate these problems. They are resolved to make sure that the handling of personnel in the public service, on the front, and in defense industry will make its appropriate contribution to ultimate victory.

Internal Management of a Central Personnel Agency

OLIVER C. SHORT

AN HISTORICAL approach to a subject serves at least to break its development into sufficiently small parcels to be analyzed and readily understood. The central personnel agency was originally established by law for the purpose of stamping out or mitigating the effects of spoils practices in government. The agency thus created was accordingly a law enforcing agency, and it is not surprising to find the program adopted by such a body as being one of control and regulation.

This control program involved among other things the establishment of eligible lists of persons qualified for government positions without regard to their political or religious opinions or affiliations, and the enforcing of the use of such lists by appointing officials within certain narrow limits also established by law. These limitations on the appointing officials' latitude of discretion have become commonly known as the rule of 3, 2, 5, or whatever the combination might be.

Accordingly, this control body found itself confronted with the necessity of performing certain technical work involved in preparing, conducting, and rating examinations for the establishment of such lists. Early, therefore, in the history of central personnel agencies two rather distinct functions developed which might roughly be termed clerical and examining.

OLIVER C. SHORT is Director of Personnel, United States Department of Agriculture. This article is adapted from a paper presented by Mr. Short at the 1941 Annual Meeting of the Civil Service Assembly of the United States and Canada.

POLICY FORMATION AND ADMINISTRATION

WITH rare exceptions in the United States, the central personnel agency has been administered by a board or a commission. In some instances the board has been full time, while in many other instances only part time service has been required of the board members. Experiments with an intermediate organizational structure have been tried from time to time and in various places, requiring full time on the part of one board member, a chairman, and part time on the part of others, as associates. But regardless of whether the board or commission is full time or part time, the functions of the boards have been essentially the same, and the administration has been possessed with the typical weaknesses, as well as strengths, of commission or board type of management.

Because of the early concept of the place of the commission in the governmental setup, a preponderance of commissioners have come from the legal profession, although around the commission tables representatives of other professions, businesses, trades, vocations, and avocations have been as varied as the typical Board of Selectmen of a New England town government. Race, color, and sex have not been a bar to a place around the commission table. In the main, the qualification requirements for commissioners have been integrity, good character, reputation in the community, and a belief in the attainment of good government through merit practices.

The type and functions of the commis-

sion, here briefly stated, has to a great extent shaped the internal management of the agency. Typically a board or commission requires the services of a secretary for the many-sided purposes of recording actions of the board, keeping minutes, preparing agendas for board meetings, and maintaining a continuity of procedure. The secretaries have had their duties extended in many agencies to cover the supervision of employees engaged in record making and record keeping, the maintenance and operation of files, and the performance of correspondence work.

The examining work early developed to such a proportion that a special division was made of this type of work under a chief examiner or technical head. Coordination of the two recognized fields has been brought about in some agencies by consolidating the work of the secretary and chief examiner in the same person. Almost invariably, however, the administrative control and policy forming prerogatives remained with the commission. The influence and policies of the commission flow down through the head or heads of the major operating functional units to the lower levels of the scalar chain or administrative hierarchy.

MODERN TRENDS

IN RECENT years the emphasis of the central personnel agency has shifted from control and enforcement to cooperation and service. This is especially noticeable in laws creating personnel agencies that have been adopted since 1937. As this has come about the internal management of the agency has shifted from the dominantly clerical functions to the predominantly technical functions of the agency. This has meant the strengthening of the head of the technical division and the subordinating of the head or functions of the purely clerical division until at the present time the dominant type of management for the central personnel agency is a single head—a personnel director serving to coordinate and inte-

grate all of the functions of the agency for service and cooperation under the policies established by a lay commission.

As the work of government has expanded into scientific and technical fields a greater technical specialization has been required from officials and employees of government. As the jurisdiction of the central personnel agencies has been extended outward and upward, the technical demands upon the central personnel agencies have been increased and enlarged to meet the technical requirements of government. For example, it is believed, now, that an examination for an economist should be conducted by an economist of competence equal to the person or persons being examined; that an architect examination should be conducted by architects equally as competent as the architects required by the government, and so on throughout the fields of specialists in government work. This has meant the breaking up of the examination work of the personnel agency along certain rather clearly defined occupational lines.

With the growing conviction that an operating officer may be privileged to make his appointment from among the highest three names of a list all of whom are qualified for the position that he has vacant, and not simply from a list of persons who have taken an examination in a related field, certification of eligibles has shifted from the purely clerical task of the sending of three names from an established register and compelling selection from the three to a technical process calling for considerable familiarity on the part of the person certifying concerning the technical requirements of the job being filled. For a like reason an increasing emphasis is being placed upon the technical requirements of persons competent to handle transfers, reinstatements, and reemployment lists.

MANAGEMENT METHODS

THIS change in the requirements of governmental jurisdictions and the changed concept of the place of the central personnel

agency as a service agency to a technical government has necessitated the application of principles of scientific management from top to bottom of the personnel agency. Furthermore, it has involved the necessity for the application of these principles to the various levels of the scalar chain or administrative hierarchy of the agency. Accordingly, in the personnel agency, as well as in other government organizations, the conference technique between supervisors and subordinates is becoming an increasingly common and necessary administrative tool.

There are authorities who say that, in a business organization, 16 per cent are supervisors or management and 84 per cent are workers. There are other administrative authorities who contend that there is no line of separation between management and workers, but that everyone in an organization should share in management in proportion to his abilities. Whichever philosophy we accept (and personally I am a disciple of the latter), there seems to be no division of opinion that it is essential that the line of communication be kept open from the lowest grade worker in an organization to the highest rank of top management, and that the line must be a two-way line so that the policies and philosophy of top management can be understood and shared at all levels even to the lowest ranking employee. An understanding of the objectives, and the organization and procedures for attaining the objectives must be shared by all.

If this a generally accepted philosophy, and I believe it must be accepted, certainly by members of this group, the responsibility for maintaining the two-way connections belongs to the line officials supplemented and augmented by the introduction of administrative tools and techniques and by advice, encouragement, stimulation, and instruction of the staff officials.

I would like to submit that there are two methods of doing this. The first is typically illustrated in the internal management of the Socony Oil Company, and in the federal Civil Service Commission, briefly described

as the application of the conference technique at the various supervisory levels, and designated as "A," "B," "C," "D," etc., conferences. Beginning at the top with top management and from there on down through the supervisory levels conference meetings are held at which the plans, policies, procedures, and methods of attaining objectives are worked out and made clear to everybody in the conference. There is thus set up at the top an example of procedure for supervisors at lower levels to follow even down to the first line supervisors, for the purpose of picking up and transmitting policies, plans, and procedures to lower levels and finally to those workers who in turn have no one to supervise.

The second means of attaining the objective is for the staff officials in the various staff specialties, after having cleared the way by personal contact and conference with the supervisors in the several top levels, to give instructions on conference methods and techniques to the first line supervisors and assist and aid them in picking up and transmitting to the workers the policy of management.

Whichever of these procedures is followed it means an application of the conference method as a tool of supervision and management, a procedure for keeping open the two-way channel from top management to the employee of lowest rank. It should be understood that the conference is not just a place for giving information and instruction, but for working out and developing plans, procedures and practices, and for developing understanding. It is a two-way process. Indoctrination is understanding, not inoculation.

"POSDCORB"—THE ELEMENTS OF MANAGEMENT

DOCTOR Luther Gulick has adopted from the functional analysis reported by Henri Fayol in his "Industrial and General Administration" seven elements of management, or, as he calls it, the work of the chief executive. In this adaptation he

has coined an eight-letter "made" word which spells nothing but which I challenge anyone to get out of his mind if he has once memorized it. The combination of letters is "POSDCORB," and here are its elements:

P for Planning—that is working out in broad outline the things that need to be done and the methods for doing them to accomplish the purpose set for the enterprise;

O for Organizing—that is the establishment of the formal structure of authority through which work subdivisions are arranged, defined and co-ordinated for the defined objective;

S for Staffing—that is the whole personnel function of bringing in and training the staff and maintaining favorable conditions of work;

D for Directing—that is the continuous task of making decisions and embodying them in specific and general orders and instructions and serving as the leader of the enterprise;

CO for Co-ordinating—that is the all important duty of interrelating the various parts of the work;

R for Reporting—that is keeping those to whom the executive is responsible informed as to what is going on, which thus includes keeping himself and his subordinates informed through records, research and inspection;

B for Budgeting—with all that goes with budgeting in the form of fiscal planning, accounting and control.

It is clear that a single head or even a commission cannot adequately comprehend and embrace all of these elements. In the first place it becomes necessary for the top management to have the technical and professional advice and consultation of staff executives and workers. It is likewise clear that

in the administration of these seven elements delegation of responsibility and authority is also essential. Thus, steps of supervisory levels are established and each head of a department becomes not a part of an independent department but a subdivision of the executive himself; the heads of bureaus become not a part of a bureau but a subdivision of the department head; the heads of divisions become not a part of a division but a subdivision of the bureau head; the supervisors or heads of sections become not a part of sections but a subdivision of the head of the divisions; and the workers become not individual entities but a subdivision of the supervisor.

In this way the work of each worker becomes a part of the job of the chief executive merely delegated to the worker to do. A two-way channel is accordingly kept clear from top to bottom of any integrated and properly co-ordinated organization. There must be no gap or dam on the way from top management to the lowest ranking worker, nor from the lowest ranking worker to top management. If there is, in the case of a central personnel agency, while management may be imbued with the philosophy of service and cooperation, those further down the line may still be operating on the basis of a law enforcement and control program.

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Progress in Methods of Personnel Selection

JOSEPH W. HAWTHORNE

PROGRESS in any field of endeavor is difficult to measure and even more difficult to evaluate. It is frequently confused with mere change in procedures or methods. In the field of personnel selection, it seems, however, that there have been a number of significant trends which might be worthy of mention.

One of the most obvious changes in the picture of personnel selection which may even be considered progressive has been the rather considerable increase in the formal application of merit systems to the various Social Security agencies throughout the country. Merit system supervisors have now been appointed in all of the States and Territories to administer programs for the selection of employees on the basis of merit. Approximately 100,000 state employees in employment security and public assistance programs are now covered under such systems. Programs operating in the various states with federal funds granted by the United States Public Health Service and the Children's Bureau are also operating under merit systems, in many cases jointly with the Social Security Board programs.

Most of these programs may be said to be in their initial phases. Many of the incumbents were permitted to retain their positions merely by obtaining a passing grade on the examinations, and the true worth of the methods of selection will not fully be dem-

onstrated until all employees of the agencies involved are taken from the top of eligible registers. Nevertheless, there is an observable trend toward acceptance of the system by administrators, employees and the public, and an admission, even though at times a grudging one, that the caliber of personnel has been materially improved.

Whether or not there is any causal relationship, it is a fact that, following the establishment of these programs in a number of states, there has been a public demand resulting in an extension of merit system programs to the other state departments and to cities and counties. In some cases this has resulted in a legal base being provided for the existing merit systems; in others, varying numbers of other personnel have been included up to virtual state-wide coverage. It may be predicted that there will be a continuing extension of coverage during the next few years.

COOPERATION OF CIVIL SERVICE AGENCIES

AN ANNOYING but seemingly inherent phase of any administration, public or private, is the tendency of individuals, given certain authority and functions, to guard jealously what they have and to try avidly to attain more, even when it becomes apparent to all concerned that some of these individuals have overlapping functions. It sometimes is almost impossible to reorganize work on the basis of pure efficiency rather than on the basis of personalities. The business of selecting public employees is not entirely without this cancerous tendency. In

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one metropolitan area, for example, tests for clerks, stenographers, typists, and a host of other common classes are given regularly by five separate civil service jurisdictions, federal, state, city, county, and the local school board with an overlap of candidates probably running close to 90 per cent.

Unfortunately any report of progress in this field is necessarily meager. There have been some tendencies, however, which it is hoped may be accelerated. The State of California, for example, has on a number of occasions given joint examinations with various cities and counties for a number of positions. The City and County of Los Angeles recently cooperated in the administration of the large examination for policemen and deputy sheriffs. The Social Security Board has adopted a policy of refusing to match or grant funds to a given agency within a state for a separate set of examinations for positions common to another Social Security agency within that state. A considerable amount of encouragement has been given to the various state agencies in the use of federal registers and a number of states have made appointments, especially in the personnel field, of individuals who were within reach on a federal register. Encouragement has also been given to the use of other state registers. For example, a recent nation-wide examination given for merit system supervisors in Colorado will in all probability be used by a number of other states, thereby saving the expense of a duplicate examination. It is probably too much to hope that even the stark necessity of mobilizing for defense purposes all available human resources will result in any appreciable amount of amalgamation of overlapping systems, but there are at least a few straws in the wind indicating a tendency toward cooperation in eliminating overlap and its waste of time, effort and funds.

JOB SPECIFICATIONS

THERE seems to be a desirable trend in the drafting of job specifications which gives at least some indication of an improve-

ment rather than a change. The administration of operating programs in many jurisdictions has been, it is felt, definitely hampered by arbitrary and unrealistic minimum qualifications set up for entrance to examinations. Seemingly these minimum qualifications were arrived at on an *a priori* basis without any objective statistical studies attempting even to arrive at a rough guess of the critical score in this regard.

Frequently unrealistic minimum qualifications have been advocated by interested pressure groups. It might even be said that there is a definite cycle somewhat along these lines: First a position is set up and given a title (e.g. janitor). Duties, a job description, and vague minimum qualifications are established. Individuals of varying degrees of training and experience are appointed. Then, an association of janitors is formed which agitates for a change in title from "janitor" to "sanitarian." The association then agitates for an increase in the minimum qualifications necessary for future entrance to this work and, of course, an increase in pay. Having accomplished this, the association decides to recognize certain schools which give acceptable courses for sanitarians. Thereupon the association secures a raising of the standards necessary for official recognition of schools deciding to give these courses in the future. Then the association decides that only graduates of schools recognized by the association may be admitted to the guild, and that only schools recognized by the guild may produce graduates. The next phase is that there is a general public reaction against such skulduggery, and in the final phase, legislatures abolish any minimum requirements for the position of "sanitarian," as well as of all other public positions, and may even abolish the entire merit system with its new-fangled ideas.

While this cycle has not started in some classes of positions and has not been completed in others, in at least one class of positions it has been completed in several states and a trend which seems to be a healthy one

is to do away with absolute minima as far as announced qualifications in training and experience are concerned and to substitute therefor "desirable qualifications." This seems to have several advantages. For one thing, desirable qualifications would not exclude from the written examination younger individuals who may lack a few weeks or months of the required experience and would admit recent college graduates who may be able to perform their work even more acceptably than people with greater experience. For another thing, desirable qualifications may be set even higher than minimum qualifications and yet secure acceptance of that considerable body of the public which reacts negatively to anything in the way of absolute minimum qualifications for admittance to examinations. The civil service body can actually raise its standards by considering persons barely possessing the desirable qualifications as barely achieving a passing grade in this part of the examination.

Such a system, of course, throws a greater burden on the written examination, but this, it seems, is an advantage rather than a disadvantage. It is believed by most people familiar with examining procedures that a written examination has at least a possibility of being a more valid and reliable instrument than a mere count of the number of years experience or the number of formal courses of instruction that an individual has had.

THE RATING OF TRAINING AND EXPERIENCE

PROGRESS in this field is indicated by what seems to be a generally accepted recognition of certain basic principles to be applied in the construction of rating scales. One, based upon the Ebbinghaus memory curve, might be stated simply to the effect that remote experience is less valuable than recent experience. Rating scales based on this principle tend to give a diminishing amount of credit as the experience presented is more remote in time. Many scales, with some degree of reasonableness, give no

credit whatever for experience beyond a certain arbitrarily fixed limit such as ten years. This, it seems, has the desirable effect of giving no credit beyond a certain maximum, thereby tending to reduce the correlation of test scores with mere chronological age. It might be noted parenthetically that in a recent unpublished study, the results of an unassembled examination in which credit was given year-for-year for acceptable experience correlated highly, as would be expected, with chronological age and showed practically no correlation with anything else, such as service ratings. Test literature fails to reveal any abilities so highly correlated with age, assuming an adult population. There seems to be every justification for the principle of establishing a maximum amount of credit for mere years of experience.

Another principle commonly recognized in the construction of rating scales is that there is something more than two grades of experience, namely, acceptable and unacceptable, but that, of the acceptable types of experience, there are varying degrees of pertinency and varying degrees of worth for the position for which the candidate is being examined. As a result, rating scales are being devised with several levels of credit possible for any one point in time, the levels representing an attempt to evaluate the degrees of pertinency.

Another tendency seemingly important is a recognition that progressive experience, other things being equal, is more valuable than regressive experience. Thus of two candidates having the same amount of experience and with the same degrees of pertinency, that candidate who has progressed would seem to be better than the candidate who has regressed, and most rating scales make some attempt to provide for this factor.

It might be argued that the inclusion of rating scales for rating training and experience should not be listed at all as progress in personnel selection and that the methods still used in a number of jurisdictions which

consist of an examiner looking over a candidate's application and subjectively assigning a number thereto, are still to be desired. While making no claim for any greater validity of a rating scale system based on the principles mentioned above, and while making no claim that previous training and experience have any relationship whatever to success on a job, it is claimed that a rating scale properly designed and with adequate definitions of the levels or degrees of pertinency will give a more reliable rating of candidates, will make for better public acceptance of the rating process, and may even increase the validity from something like .02 to .03.

WRITTEN EXAMINATIONS

ANYONE looking over the examination files of a civil service jurisdiction which has been operating for some time will note changes in the character and content of written examinations. The notoriously unreliable essay type of examination has all but disappeared. By most examining technicians this is considered an improvement. Objective type examinations have been substituted in many instances even for the higher classes of positions. Even the objective type examination has shown some changes in recent years. There seems to be a tendency to get away from the true-false type and to substitute the multiple choice type of question. Whether or not this is an improvement from a statistical point of view is debatable although most studies show a slightly higher reliability of the multiple choice type. Although the latter type of examination question is more difficult to construct, it is felt by many purely on a subjective basis that it is a more desirable type of question. Since nothing is wholly true or wholly false (even this statement), it is sometimes extremely difficult to decide whether a statement is 51 per cent true or 51 per cent false. It seems to be much more satisfying from the point of view of the candidate if he is given a chance to pick out the best of several possible answers to a given question.

DECREASE IN UNASSEMBLED EXAMINATIONS

ONE sign of progress which most examining technicians will agree is a healthy one is a decrease in the number of unassembled examinations and a corresponding increase in written examinations of the objective type.

Considerable work has been done on the reliability and some on the validity of examinations. The work done to establish the reliability and validity of unassembled examinations is practically nil. Although it may be assumed on an *a priori* basis that accounting positions, for example, might best be filled from among those applicants who have had accounting experience, it is extremely doubtful if anyone is willing to indicate exactly how much accounting experience is necessary and whether one month of experience less than this amount is a valid reason for disqualification.

When training and experience are scored in conjunction with an objective type written examination and with a fairly well controlled oral examination, the fact that the training and experience scores have practically no correlation with the other scores signifies nothing as to the validity of the training and experience scores; but since there is at least some reason for having a modicum of faith in the written examination, the low correlation between the written examination and training and experience scores raises, at least with some, a certain degree of scepticism as to the validity of an unassembled examination based on training and experience scores alone without the other measures which could and should be used.

One administrator, looking at the results of a recent unassembled examination, remarked that it would be a fairly good list if turned upside down. He may well have been right. Those applicants for a mediocre position who offer long years of experience obviously are not the best applicants, while those with the least experience are more apt to have been trained not only recently but better.

PERFORMANCE TESTS

IN THE field of performance tests, some progress might be noted. Two articles in *Educational and Psychological Measurement*, by Koran¹ describe four performance tests developed for the examination program of the Employment Board for the Pennsylvania Department of Public Assistance. A recent article by Cozad² in *Public Personnel Review* gave a good description of work being done in this field in the City of Los Angeles. At the last meeting of the American Psychological Association, Gottsdanker described a test for prediction of calculating machine proficiency which suggests certain pencil and paper techniques that might be substituted for the more expensive performance tests. The work of Seashore, Buxton, and McCloy on motor skills may later lead to some practical applications in the field of performance testing for various types of positions.

ORAL EXAMINATIONS

THERE seems to have been a healthy tendency in recent years to recognize the oral examination, not as a means of determining the knowledges, aptitudes and skills of individuals, which can be better and more accurately determined by other means, nor as a means of evaluating the education and experience which a candidate has had, which rating can be much more readily and accurately obtained from a properly designed application blank supplemented by investigations, but to consider the oral examination merely as a means of determining those aspects of an individual's personality which are likely to increase the probability of success on the job.

Whether we like it or not, success in almost any position is based not only on technical competence but on the ability of the

individual to sell himself to his fellow workers, to his superiors and to those whom he is required to supervise. So important is this personality factor that frequently individuals have achieved high places with very little, if anything, else to supplement it and individuals with the highest technical competence have failed to achieve success because of a lack of it.

Most modern oral examinations are now designed to test this phase of the position on a work sample basis. The candidate, whatever may be the subject of his conversation with the oral board, is observed as though he were in a business conference with his fellow workers and is rated on the extent to which he impresses the individuals doing the rating as to his ability to sell himself and his ideas. It may be assumed with some justification that a candidate who possesses the ability to sell himself to three or more oral examiners (the more examiners there are the more valid the assumption), will be similarly able to sell himself to the individuals with whom he will have to deal when and if he gets the job.

The rating process is helped considerably, of course, by a thoughtful analysis of the personality factors which enter into success on the job; further assistance is given by furnishing the raters with a more or less objective form and with instructions to consider the various factors on the form, abstracting other factors when rating a particular one. Analysis indicates that, however constructed, the form is pretty apt to reflect the general impression made by the candidate. On at least one form, which had a number of specific factors to be rated by the oral board together with a general factor called "overall fitness for the position," the correlation between the sum of the specific ratings and the overall rating was in the neighborhood of .90, making one wonder whether or not the single overall rating might not have been sufficient by itself.

Criticism of oral examinations is frequently heard, not only by the examining technicians, but by the general public. The

¹ Sidney W. Koran, "Performance Testing in Public Personnel Selection." (I and II.) *Educational and Psychological Measurement*. July, 1941, pp. 233-52; October, 1941, pp. 365-86.

² Lyman H. Cozad, "The Use of Performance Tests by the Los Angeles City Civil Service Commission." *Public Personnel Review*, October, 1941, pp. 281-89.

former sometimes feel that the oral examination has neither reliability nor validity, while the latter feel that they are devices used by civil service commissions to adjust the scores made in the written examination in order to pass favored individuals who would otherwise fail.

The latter view, while indicating a need for a more vigorous public relations policy, is irrelevant to this discussion. The former view is, to some extent, refuted by a determination of the reliability of an oral examination given to some 500 candidates by a board of four examiners who rated applicants independently. The ratings of two of the board members correlated with the ratings of the other two members to the extent of .84, which compares favorably with some objective written examinations. Admittedly this correlation may be unduly high because of the fact that there is a tendency on the part of oral examiners to take their cues from the dominant number of the oral board. Even though instructed to rate independently, and even though they themselves may think they are making independent ratings, the nature of the interview in all probability contains a certain number of subtle cues by which the dominant member makes his feelings and attitudes known to the other members, even though the apprehending of these cues may be on an unconscious level.

In the field of oral examinations, a rather disturbing element which, however, in spite of the prestige with which it has been promulgated, is thought to be temporary, is the idea that a legalistic approach to oral examination procedures is essential. Candidates are told, in effect, that "This position requires tact. Prove to us that you are tactful," or "Prove to us that you are honest," or "Demonstrate to us that you are modest." It seems quite obvious that such procedure not only sets up an artificial situation considerably removed from anything which the candidate would experience in his position but puts an undue premium on megalomania and mendacity.

MEDICAL AND PHYSICAL EXAMINATIONS

CIVIL service jurisdictions are coming to a realization of the importance of medical examinations for all candidates prior to appointment and physical examinations for those positions requiring physical strength and stamina, administered under the direction of a competent medical examiner. Too much stress cannot be laid upon the importance of such procedures and on the resulting saving to the taxpayer in the diminution of employee time loss due to illnesses, in the reduction of accidents and injuries, and in the elimination of undue drains on the funds of employee retirement systems.

PROBATIONARY PERIODS

THERE is some evidence that civil service agencies are beginning to realize that a complete examination process consists of (1) tests of technical competence as measured in a written examination, a performance test, or both; (2) tests of training and experience, as evaluated from the verified application blank; (3) tests of personal fitness as measured by an oral examination; (4) medical and physical examinations; and (5) a thoroughly administered work test during the probationary period. The probationary period all too frequently still means merely that period of time between induction and the achievement of permanent status. There is, however, a tendency which it is hoped will become general of using the probationary period as an integral part of the examination process during which the operating agency makes an objective determination of the work of the employee and as a result makes a positive determination as to whether the employee passes or fails in this part of the examination. A full awareness of their responsibilities on the part of administrators would tend to reduce the criticism they sometimes voice of the selection process since they themselves are, and should be, the final arbiters of whether or not a candidate is acceptable as a permanent civil service employee.

SERVICE RATINGS

THE construction of valid civil service examinations presupposes some sort of criterion with which test results may be compared. In most instances the only available criterion is an evaluation of the employees' services by means of a service rating. Most service ratings are devised by looking over other service rating forms and making minor adaptations without too much regard for the problem at hand. Progress, however, is indicated by the application of psychophysical techniques to the problem. The work of Kuder, Richardson, Belinsky, and others indicate the beginning of a scientific approach to the problem. One or two experiments have also been made in having individuals rated not only from above, but from below and laterally, which it is hoped may more adequately meet the problem of the small number of judgments usually obtained.

MACHINE METHODS

NO SURVEY of the progress in methods of selection would be complete without some reference to the most observable and most spectacular improvements in the mechanism of the selection process by the use of business machines.

The use of the test scoring machine is familiar to all and probably needs no further reference here. It should be pointed out, however, that a number of jurisdictions in the early days of its use reacted against the scoring machine because it did not score all papers accurately. Positive methods have been developed, however, and even though a few papers will have to be hand scored, the scoring machine seems to be a necessity in any jurisdiction giving large numbers of examinations.

Punching raw scores in the various parts of the examination on punch cards has also been used successfully in many jurisdictions. Techniques have been developed whereby the entire process from the punching of the raw scores to the certification of the candidate and the checking of the payrolls is

done entirely by machine operation. Percentage scores are calculated and punched automatically, transmutation of scores, weighting of scores, summations of scores, item analyses, printing of the eligible register, printing of notices to candidates—all these are done by machine with a speed and accuracy that cannot even be approached by hand methods.

ITEM VALIDATION

CERTAINLY a healthy sign of progress among civil service jurisdictions is the increasing prevalence of studies routinely made on the validity of the individual items in an objective examination. Not only are such studies being made with a view toward the construction of future examinations for similar classes but some jurisdictions publicly announce that the scores in the written examination will be based on the results of the item analysis and that those items which, upon analysis, prove to be non-discriminative will be disregarded in computing the total score. It is believed that further experimentation along these lines would be helpful.

There have been developed a multiplicity of techniques for analyzing test items, most of which may be regarded as approximations to a correlation coefficient between an item and a test. Some of the simpler of these techniques have been so routinized as to justify their wide-scale application. The development of the item analysis attachment for the International Business Machine Corporation test-scoring machine should also be expected to stimulate further work in the analysis of items. Where this equipment is not available, there are of course other techniques such as those based on the use of tabulating equipment which effectively reduce the cost of item analysis. It is to be hoped that the ease and rapidity with which the results of item analyses can be obtained will not obscure the real purpose of item analysis studies, which should be to improve tests and test items and not merely to accumulate data.

In connection with item analysis, mention should be made of the development of the highly useful Kuder-Richardson formulae, whereby the reliability of a test can be estimated from the correlation between test items and total test score.

It should be remembered constantly that most of the item analysis now being done is based on the assumption of the validity of the total test score of which the items themselves are a part. Determining the validity of an item against the total score is, in effect, an attempt to pull one's self up by one's boot straps. It is a well known fact that the results of analyses based on external criteria bear little relationship to the analysis based upon total test criteria. Desirable as the internal criterion is as a means of producing tests with a degree of internal consistency, it is obvious that valid external criteria are a primary necessity to the validation of civil service examinations.

TEST RESEARCH

IT IS apparent to all who are familiar with current trends in the field of personnel administration that, like any other field, practice is apt to lag several years behind research. Nevertheless, it may be worthwhile to point to some of the developments which are still in a research stage, particularly those advances which will or ought to modify practice.

Perhaps the outstanding achievement in the field of measurement within the last ten years has been the development of multiple factor analysis by means of which a number of tests are analyzed into a much smaller number of basic components. This method could fruitfully be applied to the instruments which are used to predict success in various fields. The result of this application should be that, instead of using one test score representing a more or less unknown hodge-podge of abilities and achievements, one would use a weighted battery of tests of known factorial composition. While the use of the techniques for factoring tests for predicting achievements in the more com-

plex jobs is probably far off, it seems likely that one could even now usefully apply the methods to tests for some of the jobs which involve fewer and relatively simpler abilities and achievements.

Not only should factor analyses of tests prove useful, but it would seem that it would be even more interesting to apply the factorial techniques to criterion measurements, so that we would attain a better understanding of the factors we are trying to predict when we construct tests for the purpose of predicting actual performance on the job. One of the weakest spots in the field of measurements is the criterion, and probably much of the onus which is placed on tests should really be placed on the notoriously unreliable criterion. In this connection, the work of Horst, Wherry, and Edgerton and Kolbe should be of interest; particularly useful would be data on the most predictable combination of factors constituting a complex criterion. The whole problem of prediction is attacked in Horst's recently published book, written under the auspices of the Social Science Research Council.³

The possibilities of further applications of Stephenson's inverse factor technique have not been fully explored. Briefly, one would factor a population of persons rather than a population of tests and would emerge with "types of people" rather than types of abilities, personality traits or what you will.

While at present little is known about actual differences among various vocational groups in patterns of independent abilities, the work of Adkins on the patterns of Thurstone's seven "primary mental abilities" for several vocational groups (as defined by their graduate school major) strongly suggests that characteristic patterns do exist.

ALTHOUGH there has really been only a beginning in the field of personality study, attention should be called to factorial studies of Guilford on introversion-extroversion, and of Lurie on the Allport-

³ Paul Horst, *Predicting of Personal Adjustment*. (New York: Social Science Research Council, 1941.)

Vernon "Study of Values." Thurstone has recently undertaken a study of personality in a new direction, involving laboratory tests of an objective sort rather than the customary questionnaires and inventories. While results of this approach are not yet available, it is to be hoped that some personality measurements which cannot be faked by the subject may be the outcome.

One of the recent developments in the field of measuring interests is Kuder's "Activity Preference Record," which yields scores on seven different preference scales. It has been demonstrated that groups of different vocational choice show characteristic patterns depending on the choice. There have been several recent studies of the Strong Vocational Interest Test, one by Marion Bills revealing that a combination of scores on two or three of the Strong scales yields an effective prediction of success as a life insurance salesman. Similar studies on various types of public service positions seem indicated.

Here and there in the literature appear ideas which may, in time, markedly affect the whole approach to the problem of measurement. Guilford's "Psychometric Methods" stresses the fact that there should be a tie-up between psychophysical methods and test theory. Mosier has made a frontal attack on this problem in his articles on "Psychophysics and Mental Test Theory" in the *Psychological Review* of last year. The pub-

lications of Lorr and Meister in *Educational and Psychological Measurements* reveal that others are thinking along the lines of clarifying the concepts involved in scaling and testing. An article by Ferguson in the October, 1941 issue of *Psychometrika* deals with the relationship of test difficulty to the problem of interpreting the factors involved in tests and stresses the need for developing tests which are homogeneous both as to content and as to difficulty.

IN THE foregoing scant survey of recent research there is one notable trend. Many of the names mentioned are in the field of public personnel selection. Drs. Adkins, Mosier, Kuder, and Gottsdanker are with the State Technical Advisory Service of the Social Security Board, and Dr. Richardson is with the United States Civil Service Commission. The recruitment by personnel selection agencies of these and an appreciable number of other persons of similar training is probably the most outstanding development in the field of personnel selection in recent years. It probably should also be pointed out that the research mentioned was not done in public personnel agencies but in the ivory towers of universities. Possibly this is as it should be. But, it would seem that more pertinent and useful research might result if such individuals could do, or at least direct, research in connection with their public personnel work.

Determining Pay Policy

CARL L. RICHEY

AN INDIVIDUAL prominent in the field of civil service administration recently posed this question: "Why is it that practically every time a salary survey is made by an impartial outside agency, so many inequalities are brought to light in governmental departments?"¹ The very fact that such a query is made suggests that perhaps our present concepts of pay policy are in need of some revision. It may well be that the future progress of the merit system will be seriously affected unless we find an adequate solution to this problem.

DEFICIENCIES IN CLASSIFICATION PLANS

SINCE progressive public agencies have established position-classification plans, there is considerable knowledge of the kinds of work performed in particular governmental units. Such basic data probably served as the foundation for the initial installation of the compensation plan. The subsequent necessity for issuing new or revised specifications in connection with the holding of examinations to establish eligible lists for employment purposes has aided in keeping the classification structure adjusted to job situations. There is reason to believe, however, that many classification plans are out of date even though surface indications suggest that they are currently maintained.

¹ J. B. Probst, "The Values of An Adequate Civil Service." *Journal of the American Waterworks Association*, September 1941.

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Such deficiencies come about quite naturally. A new bookkeeping system may be installed in order to provide more adequate information for an operating department with the result that present employees assume new duties of greater complexity. The Senior Accounting Clerk of yesterday has had to become a full-fledged Accountant in order to keep up with the tide of the times and the need for the former class may have disappeared in the process. Changes of this character frequently occur without the knowledge of the civil service agency, particularly when no new employees are added or no reduction in force occurs as a result of the change. Yet in the instance cited, the employee may have received only a normal within-grade salary increase for a class which is below the actual level of work performed. With the advent of a shortage of men in his field, the employee suddenly wakes up to the fact that he is underpaid and leaves for a more remunerative position elsewhere.

It seems clear that the periodic review of all positions in a governmental unit has a bearing on the elimination of current difficulties in attracting and retaining employees in the public service.² However, in the same way that the classification plan may have deteriorated through the lack of periodic audits, the compensation structure likewise may bear the wrinkles of age. Considering normal personnel practices, the latter is probably in worse shape and hence is in greatest need of attention.

² Ismar Baruch, *Administration of a Classification Plan Through Periodic Audits*. (Civil Service Assembly, 1936.)

NEGLECT OF FUNDAMENTALS

DOES not the question asked above suggest that public personnel technicians overlooked a major consideration in determining pay policy, namely, that of keeping pay scales reasonably adjusted to current conditions? In thinking over the various books and articles on public personnel administration I have read in the past several years, I recall only passing attention being given the necessity for maintaining pay plans, and even then few details were given. Instead, there have been more voluminous discussions of service ratings and their relation to salary administration, the number and amount of increments within a range, and similar subjects. Have personnel technicians become lost in a forest of overlapping ranges, maintenance charges, cost of living indices, geographic differentials, and mathematically integrated compensation structures?

The question comes to mind as to whether or not many civil service agencies have been facing the facts of life. The place of the agency in the administrative structure of government tends to insulate it against many types of problems, but any deficiencies in pay policy may not be so explained. The current difficulties resulting from such deficiencies may be attributed in part to a situation which the agency itself probably helped to create—the mores of public personnel administration.

One of these mores is that various classes of employees should work for less money in the public service than they might be able to command elsewhere. Personnel technicians have exhibited too great a readiness to rationalize lower pay rates in comparison with those paid by private enterprise. Emphasis has been placed on security of tenure, which has proved to be a myth for many individuals. There has been talk about favorable working hours without mention of the fact that there is a considerable amount of overtime for which no compensation is paid. More generous leave privileges have been translated into hypothetical monetary

values, the term "hypothetical" being proper because many employees have personal and family responsibilities which in relation to their income do not permit them to take full advantage of longer vacations. More than one has taken temporary employment elsewhere during leave periods. Retirement systems also have come in for more than their share of attention even though numerous industries have plans for superannuated employees which equal or exceed the liberality of those in various public jurisdictions. And after plans for salary increases within grade have been established, numerous individuals (especially in the federal service) have served at the same rate for years.

PREVAILING RATES ARE BASIC

THE actual amount of compensation paid is generally a major determinant of whether or not a governmental unit attracts high-grade applicants and retains them in the service after employment. Therefore, it is time that greater attention be given to rates of pay prevailing in the sources of recruitment for the public service. It is time that more consideration be given to the salaries paid by competitors for the services of trained employees. It is time that programs be inaugurated which translate such facts into action that removes inequities from public pay schedules.

Let us remember that employees live on what is in their pay checks; to the extent that favorable tenure, hours, leave, and retirement privileges are valid, let us use them as a means of attracting competent individuals and not as a substitute for direct compensation. Let us start talking about the periodic gathering of pay data so that we will have a knowledge of concrete facts relating to our competitors for the services of employees. In advising on civil service laws or model city charters, let us see to it that they contain a provision that the civil service agency shall make wage and salary surveys not less often than once each year. Finally, let us set the stage so that frequent surveys may be made in a rapidly moving

labor market and yet at all times assure a reasonable knowledge of comparative pay rates.

It may be argued that annual surveys are too frequent because wage and salary rates ordinarily will not change a great deal in this period of time. In this connection, reference may be made to practices in private industry. In a recent study of some 26 companies, it was found that six conduct surveys quarterly, 15 do so semi-annually, while five felt that annual treatment was adequate. One large company was found in which salaries in some 225 other companies were surveyed quarterly.³

TREATMENT OF WAGE DATA

OTHER mores of public personnel administration sometimes crop up in the presentation of data gathered in surveys. It was stated some years ago that "Because others take advantage of the social or economic helplessness of a group of workers, or give in to the demands of a well-organized body of workers, the concern or public body working out a new compensation policy may not wish to do so."⁴ It is cited because it illustrates two tendencies which sometimes characterize personnel technicians. One is what might be called (for lack of a better term) a complex in favor of social beneficence, and the other is a prejudice against collective bargaining relationships.

With reference to the first, no suggestion is being made that government "take advantage" of people. I am suggesting, however, that governmental employees have no right to expect privileges which are not enjoyed by some workers in private enterprise who are rendering the same kind or level of services. Instead of seconding pleas for an ephemeral "living wage"—a term which lacks definite meaning—wouldn't it be more realistic to dig deep enough in a sur-

vey to find the employers who are paying, for example, a labor rate in excess of the norm? Rather than having arguments around rates pulled out of thin air, wouldn't it be better to have a few cold, hard facts?

With reference to the second point, "giving in" to organized workers may be expressive of a state of mind in which the real trouble is resentment against employee organizations. When the "heat" is on us in our official position, it is easy to forget that democracy in action consists of numerous pressures and pressure groups. It is this pressure group of organized workers which is achieving more than any other single element in our economic life today in remedying the "helplessness" of many workers. All of us may decry abuses of power on the part of some labor groups just as we deplore abuses of power by any other organized groups of citizens. The democratic method itself may be relied upon for the correction of such tendencies. (Incidentally, each one of us is paying increased taxes and is thereby helping to raise the billions of dollars necessary to preserve the system which permits these groups to operate. We may not be doing so in high glee, but certainly it is being done in good spirit.)

OTHER METHODS ARE LESS USEFUL

THE mention above of a "living wage" suggests the appropriateness of further brief discussion since the rising cost of living at the present time means that many jurisdictions will face requests for wage and salary increases on this basis. I recall reading a few weeks ago that the cost of living then was somewhat less than it was in 1929. Retail store prices, for instance, had an index of about 110, whereas the comparable figure for 1929 was 122. On the other hand, it is certainly true that prices have risen in the past several years. It seems clear that even a pay plan installed in the late twenties cannot be adjusted reliably on the basis of recent price movements.

In no event will the actual percentage increases in such essentials as the cost of food

³ John W. Riegel, *Salary Determination*. (University of Michigan, 1940) p. 28.

⁴ E. O. Griffenhagen and Fred Telford, "The Principles and Techniques of Preparing a Plan of Compensation for Positions and Employees in a Large Organization," *Public Personnel Studies*, January 1925, p. 18.

give an accurate figure as to the amount by which pay rates should be increased. Research has shown that the amount of the family budget spent for food varies from 25.2% to 40.9%, depending upon the income level in relation to the number of persons in the family.⁵ Other items are equally variable (e.g. transportation) so that one is likely to get lost in a statistical maze if they are used as determinants of pay changes.

As a matter of fact, granting pay increases on the basis of the rise in living costs over the past several years may result in further discrepancies in a compensation structure. The market values of various occupational groups may have shifted in relation to each other, and to make blanket adjustments on the existing basis may do more than simply perpetuate inequities. There are other disadvantages to the use of indices and percentages, and it thus appears that collecting current wage and salary data is the most feasible and workable method of determining at what points and how much a compensation plan is in need of overhauling.

OTHER ADVANTAGES OF PERIODIC SURVEYS

THE very fact that legislative bodies are confronted only on relatively rare occasions with data comparing salaries in their governmental units with those paid by other organizations in the area may well be one of the reasons why securing action on pay schedule changes is frequently difficult even though it appears from such data that revisions are clearly in order. One can appreciate even an attitude of indifference on the part of legislators when a problem which may have been years in the making is suddenly dumped in their laps for practically an overnight solution.

Would it not be far more convincing if comparative data accumulated over a period of time showed a particular trend in the treatment of certain groups of employees? Shouldn't we know the actual extent of

generosity and parsimony in pay matters? Is there any reason why annual reports of the civil service agency should not include wage and salary survey results so that the facts are a matter of common knowledge? In this connection, of course, I am assuming that copies of such reports are sent to the group which ultimately controls the amount of money allocated for expenditure by the civil service agency. (And to digress a moment, how many of you have placed copies of your complete class specification manual in the hands of the civil service or other legislative committee so that it will be better informed when making recommendations on civil service matters?) The ready availability of such facts would enable the lawmakers to deal more intelligently with pressure groups on wage and salary matters. Finally, comparative data of this nature probably would not have to be "sold" or handed down to newspapers in order to obtain further publicity concerning the operations of the merit system.

PREVAILING RATES AT HIGHER GRADES

THE payment of salaries which compares reasonably well with those common in nongovernmental employment raises some interesting questions. One of them is, "Are all public employees in a particular jurisdiction treated impartially with respect to compensation?" The answer to this is in the negative since the most frequent practice is to give many "breaks" to the lower income groups, while the rule at the higher salary levels seems to be a progressive increase of the penalties for working for the government. No other conclusion can be derived from the following tabulation of salaries for clerical, administrative, and fiscal employees in the federal service.⁶

This progressive discrimination is not confined to the federal service and has probably been aided and abetted by civil service agencies wherever it occurs. The question

⁵ Dale Yoder, *Personnel and Labor Relations* (Prentice-Hall, 1938) p. 321.

⁶ Based on data contained in Personnel Classification Board, *Closing Report of the Wage and Personnel Survey*. (Government Printing Office, 1931) pp. 263-64.

<i>Median of Salary Range</i>	<i>Average Non- governmental Salary</i>
\$1440	\$1068
1620	1314
1800	1624
1980	1998
2300	2300
2600	2546
2900	2908
3500	3792
4200	4828
5000	6052
6000	8242
7000	10,883
8500	15,771

comes to mind as to whether or not personnel workers have been preoccupied with compensation schedules which increase in neat little steps or which look nice when plotted on semi-logarithmic charts. It would seem far more logical for a particular governmental unit to pay employees as fairly as possible in comparison with outside standards, doing so up to the maximum salary payable under local conditions.

In other words, if tradition, charters and legal limitations, or legislative action provides for a limit of \$6000, \$8000, or \$10,000, why not pay administrative and professional employees up to that limit if the workings of our general economic organism proclaim that is the minimum they should receive? Certainly such a course of action would square more with logic and reason than present methods. Certainly it would appear more rational to affected employees than a system which results in a form of geometric chiseling. If the chief *must* earn more than his major subordinates, would not a token differential of perhaps \$100 serve the purpose as well as \$1000 or \$5000? If such treatment is impossible at the present time, it would appear as though the periodic publication of comparative salary facts would enable progress in this direction and might ultimately lead legislative groups and the public to accept removal of artificial salary limitations.

In discussing salaries at these higher levels, I am not thinking in terms of "Poor fellow. He has to scrape along on a measly \$5000 a year." Rather, consideration is be-

ing given to the observation that "No greater steps for real governmental economy could be taken than to increase salaries in the higher administrative and professional grades."⁷ Unless adequate salaries are paid to employees at the higher grades, we cannot expect to retain in the public service the kind of supervision and leadership capable of "administration [which] is more than a lifeless pawn. It plans, it contrives, it philosophizes, it educates, it builds for the community as a whole."⁸

CONCLUSION

THE foregoing presentation of a case for continuing attention to prevailing wages and salaries as a major element in pay policy determination does not exhaust all the arguments in favor of such a course of action. For example, I know of no other method which is as fair to taxpayers on the one hand and equitable to employees on the other hand.

The space available for this discussion makes necessary an over-simplification of the compensation problem as a whole. The prevailing rate approach, for example, may lead to problems of logical internal relationships within a pay structure. It likewise does not settle questions concerning occupations which are wholly or largely confined to government service. These problems are entirely aside from other elements of a compensation plan, such as flat rates or pay ranges, the number and amount of intermediate steps, overlapping ranges, and other details. It is just such features as these, however, which have obscured the basic and realistic principle of reasonable adherence to prevailing pay practices. The primary purpose of this discussion, therefore, is to call attention to the pressing need for more than lip service to this principle.

⁷ The President's Committee on Administrative Management, *Administrative Management in the Government of the United States*. (Government Printing Office, 1937) p. 13.

⁸ John M. Gaus, Leonard D. White, and Marshall E. Dimock, *The Frontiers of Public Administration*. (University of Chicago Press, 1936) p. 133.

Eliminating Minimum Qualifications from Class Specifications

KENNETH C. PENNEBAKER

THE title of this subject, as well as the subsequent discussion, assumes that there exists, or possibly should exist, differences of opinion in the public personnel field in the matter of statements of "minimum" qualifications, used as requirements for entrance to civil service examinations, as opposed to statements of "desirable" qualifications. By "desirable" qualifications is meant a statement in the class specification outlining the training and experience which it is believed a successful candidate should possess, but which is not used as a criterion to determine the eligibility of an individual candidate to compete in the further parts of the examination. For purposes of brevity, it is assumed here that the only specific purpose served by the statement of "minimum" qualifications in the class specification is that of eliminating applicants from the opening phases of the examination process. As a matter of fact, all other purposes may be equally well served by a statement of "desirable" qualifications.

A reasonably thorough review of the somewhat sparse published material on the subject establishes a preponderance of protagonists of the "minimum" qualifications school, plus a relatively large number of writers who merely assume adherence to the procedures of that school as proper personnel technique. Against this array, one finds very few supporters of the "desirable" qualifications philosophy. Yet the fact remains

that several jurisdictions follow the practice of permitting candidates to participate in the examination process without regard to the possession of stated years of experience and education, even though their controlling legislation permits other action. This fact is cited merely as evidence that there does exist the belief, for one reason or another, in the soundness of this practice.

A RE-EXAMINATION OF POLICY

BECAUSE of many factors, including for example such strongly influential national trends as is evidenced by the forty-eight-state program of the federal Social Security Board which makes mandatory in the merit programs under its jurisdiction the use of quantitative measures of education and experience in admitting applicants to merit examinations, it is urged in this discussion that the philosophy and enforcement of "minimum" qualifications for entrance to examinations as a recommended procedure for civil service agencies should be reexamined. If after careful and objective analysis the policy of "minimum" qualifications is determined to be all that its proponents claim for it, well and good. If, on the other hand, such analysis indicates inherent weaknesses in the policy and corresponding or offsetting strengths in a different policy, it would appear desirable at least to consider the application of such different policy.

What are the advantages claimed for the establishment of "minimum" qualifications for entrance to examinations? As nearly as

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can be determined the major thesis is "the elimination of those applicants who obviously lack the required or desirable qualifications for the job." This in turn is backed up by allegations of reduction of agency funds and effort, and better public relations through more ready acceptance by applicants of elimination in the early stage of the examination process.

It is axiomatic in a testing procedure that the most valid measures available should be used. This statement must be tempered by certain real and practical considerations. Obviously, testing agencies are limited in the number of tests which can be administered and the number of candidates to whom the tests can be given. This is a function of time and funds. Any procedure which (1) lessens the extent of testing, (2) increases the speed of testing, or (3) reduces the number of candidates, while retaining a real or apparent validity, is a popular one. The so-called general intelligence test is an example of a type of test which accomplishes or purports to accomplish in a short session as much as or more than other types of tests did in more extensive forms. The short answer form test appeals to examiners at least as much because of its rapid scoring as because of its more reliable scoring.

Finally, the logic of admitting to examinations only those who possess certain patterns of experience and training has an added appeal to the examiner in that it avoids arousing false hopes in those who have little or no chance to pass the examinations. The latter concept has, it seems, sufficed to the extent that its apparent advantages have seldom been questioned. Some civil service agencies which are forced by statute or ordinance to admit all applicants to examinations have complained of their inability to eliminate candidates on the basis of qualifications before the tests.

UNDESIRABLE FACTORS

PRELIMINARY research on the subject indicates that the "minimum" qualifications procedure is undesirable because: (1)

it eliminates candidates by a measure of doubtful validity; (2) it does not conserve funds to the extent which has been claimed for it; (3) it does not, so far as can be learned, create a more favorable public acceptance than would some other system. Each of these points is difficult to demonstrate, however, and the small amount of coordinated work on the broad subject, limits this discussion to little more than a series of suggestions on which a more comprehensive analysis can be based.

"Minimum" qualifications for examinations as found in the average position classification plan are the result of a number of factors. Among these are the demands for internal consistency in the plan, the qualifications which have been set in other plans and, too often, wishful thinking on the part of the persons who establish the qualifications. It is remarkable how little work has been done in the validation of such qualifications. There is an assumption, apparently, that if a given amount of education and experience is required of candidates for positions, the least satisfactory potential candidates will be eliminated. Ordinarily no data is presented to substantiate this point of view. In classes which form a series, the educational and experiential requirements are raised progressively for higher classes in the series. Although this has an apparent basis in logic, it seems that the exact number of additional years of training or experience to be added for each grade is governed as much by the formal requirements of the classification plan as by a realistic consideration of the requirements of the work.

At the present stage of the development of short answer tests as a selective tool for employment purposes, it seems that the somewhat arbitrary and certainly unscientific "minimum" qualifications described above should be subordinated to the most valid element of the testing procedure which is, in the opinion of most persons, a combination of comprehensive aptitude and short answer tests. If this thesis is accepted, it becomes not only unsatisfactory but danger-

ous to eliminate large groups of candidates solely on the basis of their backgrounds of training and experience. It does not appear rational to employ the methods of least validity in the preliminary elimination of candidates and to apply the more refined and accurate measures only to the poorly selected group which remains.

The only excuse for such a procedure would lie in the other objections which have been raised concerning the elimination of "minimum" qualifications. The most popular of these concerns the great expense of examining without the utilization of "minimum" qualifications. Some preliminary figures concerning costs under both systems have been obtained and do not substantiate such claims. These figures do, on the other hand, indicate that there is probably little to choose between the two methods on the question of cost.

ANOTHER objection raised against eliminating "minimum" qualifications concerns public acceptance of such a step. It seems even more difficult to determine the facts concerning this point than it is with reference to the foregoing considerations. It appears, however, that many persons who are eliminated from examination situations without even being allowed to compete in the written tests would find a more valid objection to the entire procedure than would those persons who at least are given an opportunity to demonstrate their competence in the measure which is considered the most valid and which is accepted by many persons as such.

There have been advanced other, minor, claims of advantage for the use of "minimum" qualifications. These include: the use of the "minimum" qualifications statement as a device for gearing pre-service and in-service training activities to the public personnel program; their use as a lever designed to aid in the general improvement of occupational standards for the public service; purer statistical evaluation of test results by virtue of the elimination of persons

who indiscriminately participate in civil service examinations; and avoidance of appointment of apparently unqualified persons when provisional appointments must be made.

It is submitted that the use of "desirable" qualifications for the first two purposes just cited will not only yield equal but superior results in that they may be expressed in even higher terms, if desired, than the "minimum" qualifications which must logically be tied to such factors as available sources and supplies of candidates. To accomplish the purposes of automaticity inherent in the latter two uses of "minimum" qualifications, it is only necessary, when substituting "desirable" qualifications, to include a modicum of administrative courage and resourcefulness in making the pertinent decisions.

ANALYSIS OF RESULTS

THIS paper represents, in common with all other written material on the subject seen by the writer, a subjective approach to a problem of considerable importance in the field. By the very nature of the usual civil service examination program, it is extremely difficult to establish control groups for the purpose of research into the matters of cost, excellency of eligible register material secured, and public relations.

The Minnesota Civil Service department has run cost studies on two examinations for which "minimum" qualifications were established. For the purpose of the studies, the applicants were divided into two groups—those who met the "minimum" qualifications and those who did not. On the basis of a detailed cost breakdown, it was determined that the cost of the examinations if conducted on the basis of "desirable" rather than "minimum" qualifications would have been slightly lower. And yet these studies are subject to attack on the grounds that they were announced with "minimum" qualifications. It can be argued that had they been announced otherwise, a much larger number of persons would have

applied, thus raising the cost on the "desirable" qualifications basis.

One final point: there is yet to be made a study of the cost of the expenditure of time and effort of civil service agencies' top staff members in explaining, personally, and by letter, to political leaders and influential citizens why a given applicant was not allowed

to take an examination. In any event until more evidence can be established than has thus far been adduced as to the soundness of the policy of minimum qualifications for entrance to civil service examinations, I submit that caution should be employed in recommending the broad application of such a policy.

The First Federal Civil Service Commission: 1871-75 (Part I)

LIONEL V. MURPHY

ALTHOUGH the passage of the Pendleton Act in 1883 is cited by some historians of the merit system as the beginning of civil service in the federal government, it is a matter of record that a federal Civil Service Commission was established and functioned, after a fashion, more than ten years prior to that date. Viewed superficially, this fact might well be tagged merely as a minor historical "believe it or not." However, the existence of forgotten records covering the activities of this first Commission has disclosed that it played a significant role in shaping the pattern of later legislation and administration. Civil service reform did not spring full-born over night to the echo of the pistol shot that brought death to President Garfield. More than a decade of evolution had gone before, and while the record is by no means a glittering one, it has more than passing interest for those who would explore the origins of our present-day civil service system.

THE FIRST FEDERAL CIVIL SERVICE COMMISSION

THE Civil Service Commission, 1871-75, established under authority granted in section 9 of the sundry civil appropriation act of March 3, 1871,¹ marked the first mile-

¹ Now as section 1753 of the Revised Statutes, it reads: "The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency

stone in making the President the head of the national administration. The circumstances of its establishment explain its brief existence. However, the act, surviving the failure of the Senate and the House to concur on the conditions for its repeal in 1874, was seized upon by Hayes who, to the dismay of some of his party leaders, held it up as authority to regulate the administration of the federal civil service.² Despite its partial resuscitation in the less inclusive Civil Service Act of 1883, the Act of 1871 is now regarded as the primary authority from which each President derives his control over federal personnel administration.

The significance and contributions of this Civil Service Commission, sometimes called the Grant Civil Service Commission, have gone unnoted. Historians describe its work as a dismal failure, due primarily to Grant's ignorance of public affairs and his role as chief of political cant.³ Other accounts of its activity are brief and hackneyed. The actual day-to-day activity of this Commission has so far gone unanalyzed, as best as can be ascertained. The primary account of this activity is a book of minutes

thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service." 16 Stat. 514; 5 U.S.C. 631.

² H. J. Eckenrode, *Rutherford B. Hayes: Statesman of Reunion*, (1930), pp. 263-283; George William Curtis in Introduction to Dorman B. Eaton's, *Civil Service in Great Britain*, (1879), pp. vii-xii.

³ W. B. Hesseltine, *Ulysses S. Grant: Politician*, (1935), pp. 365-66; Allen Nevins, *Hamilton Fish*, (1937), pp. 124-141; Eckenrode, *op. cit.*, p. 263.

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maintained by the Commission. Eaton, Curtis' successor as chairman of the Commission, in drafting the Civil Service Act of 1883 drew heavily from the rules and regulations which this Commission debated and adopted in 1871 and 1872.⁴ Behind the letter of these rules and regulations, these minutes relate how the Commission conducted its business, the nature of its thinking, and what determined its decisions. These minutes also contain commentary on, and appraisal of, contemporary problems and certain personalities.⁵

The passage of the Act of 1871 was at the behest of those engaged in a great crusade to uplift human nature in politics. It may be said of this crusade that its activity came not from the economic or social aspirations of any particular group, but from a few personalities imbued with moralistic behavior in politics who, through their propaganda for civil service reform, secured a powerful popular support in the face of determined opposition of party machine organizations, both Republican and Democratic.⁶

The civil service reformers, like party politicians, also had their shortcomings and blind spots, some of which actually hampered the development of personnel administration. Ever self-righteous, they were naive in the realism of politics as defined in its sociological sense.⁷ The principal diffi-

culty that beset these reformers was their confusing of ethics in civil service reform and of principles and practices of personnel administration. But they were not without political effect, for their work was a scourge to the political boss. Conkling, the master boss whom Grant twice offered the Chief Justiceship of the United States, was often compelled to squirm and once sneered an unforgettable sentence: "Their real object is office and power. When Doctor Johnson defined patriotism as the last refuge of a scoundrel, he was unconscious of the then undeveloped capabilities of the word reform."⁸

PRELUDE TO 1871

THE efforts exerted for the passage of the Act of 1871 comprise a chapter in the history of civil service reform which is in itself a study of middle-class ethics. These efforts also constitute an important step in distinguishing the authority under which Congress, with its powers to create, and the President, with his power to appoint, exercise their dual control over the executive civil service. This duality of control, undistinguished in the Constitution, developed what in time became a part of the unwritten Constitution from which came, among other things, the spoils system. This dual control, however, did not function without friction. The Great Quarrel of 1866-67, precipitated by national crises and personalities, gave impetus to civil service reform, but at the same time checked temporarily its legislative program.

Crises and personality in four years of civil war had expanded the powers of the

⁴ Curtis, at that time president of the New York State Civil Service Association, assisted Eaton in the final draft of the Civil Service Act of 1883. See D. H. Smith, *United States Civil Service Commission*, Monograph No. 49, The Brookings Institution, (1928), p. 12.

⁵ Miraculously, the book of minutes which was maintained by the Commission, at least up to April 1872, has survived official neglect. Principal materials used in connection with the Commission's considerations apparently disappeared with the personal effects of its members. This book and some clippings covering certain aspects of the civil service reform movement are now in the library of the U. S. Civil Service Commission.

⁶ See Lewis Mayers, *Federal Civil Service*, (1922), p. 26; Frank M. Stewart, *The National Civil Service Reform League*, (1929), passim. For an admirable summary of the rise and decline of the spoils system, see D. W. Brogan, *Government of the People*, (1933), pp. 183-199.

⁷ Schurz in his long Senate speech on his civil service bill shouted: "Sir, this is no mere fancy. Civil service reform is no mere cry of croakers, or of restless innovators, who want cheap notoriety. . . . A revolution

in public sentiment ever so decided will hardly have lasting effect unless clothed in the form of law. . . . Politics will (if this or a similar bill is enacted) become once more what they always ought to have been, a most honorable occupation engaging the noblest aspirations." *Congressional Globe*, 41 Cong. 3 sess., January 27, 1871, pp. 74, 77. Literature on civil service reform abounds in the "causes and cure of patronage evils." For a brilliant statement on what some reformers have learned, see Brogan, *op. cit.*, pp. 260-271.

⁸ This he hurled at George William Curtis whom he had called a "carpet knight of politics," at the New York State Republican Convention, September 1877. See C. M. Fuess, *Carl Schurz: Reformer*, (1932), p. 158.

President beyond contemporary anticipation.⁹ Civil war increased the possibilities of patronage a hundredfold. Directly and indirectly, the expansion of the army and navy added thousands to the payroll of politics and the financing of the war bred a new swarm of hundreds.¹⁰

Civil war wrought many changes in the conduct of federal administration. Centralization of power, as one of these important changes, accentuated the problem of the patronage. Lincoln continued in the manner of his predecessors but with more patronage to dispense as the head of a new political party. This fact alone was enough, but war made it all the greater.¹¹ And Congress saw no need to alter the patronage practices of half a century despite their increasingly time-consuming demands.

No legislative step was taken toward the better handling of this personnel problem until Senator Sumner, for reasons none other than his theoretic dislike of patronage dispensing, whether presidential or congressional, introduced on May 2, 1864, a bill providing for competitive examinations. This was in contrast to the trend in

reform prior to 1861.¹² Sumner, contrary to his usual dramatic presentation, simply asked that his bill, based upon his knowledge of British civil service reform as obtained by a visit and later by correspondence with Trevelyan and Northcote, be printed.¹³ But Sumner, in view of his intense interests in war problems and anticipated reconstruction policies, did not pursue his convictions about the abuses of patronage.

IT WAS not until after Lincoln's assassination that the Republicans, like the Whigs of 1841, found themselves unexpectedly in the horrid position of having given custody of the patronage to a mere catechumen. This posed a dilemma. In the quarrel for supremacy that followed between Johnson and Congress, the use of the patronage, mightiest of the weapons, brought pointedly to the fore the consequences of continuing such a federal employment practice.

In the midst of this struggle, Thomas A. Jenckes,¹⁴ a Republican Representative from Rhode Island, took up the matter of civil service reform where Sumner, now a bitter opponent of Johnson, had left off. He introduced a number of bills for selecting employees by competitive examinations, which he had framed from a study of Sumner's bill and after an elaborate correspondence with Trevelyan and Northcote.¹⁵ In support of his measures, Jenckes,

⁹ See W. E. Binkley, *Powers of the President*, (1937), pp. 114-204.

¹⁰ By 1861, the executive civil service had increased from about 6,000 employees in 1820 to approximately 37,000 of whom about 2,000 were in Washington, then a city of 75,000. By 1865, it had risen to nearly 45,000, of whom 5,000 were in Washington, and by 1871, to about 50,000, with over 6,000 in Washington, then a city of over 130,000. These figures do not include employees in arsenals, armories, navy yards, and depots. It is estimated that as many as 100,000 civilians were on the federal payroll in April, 1865. The United States Civil Service Commission is presently compiling the available statistics of total federal employment prior to 1883.

¹¹ Carl Sandburg writes that "the atmosphere [in Washington] was riotous, and Lincoln understood these anxious office seekers perfectly" for a few years before he had been one himself, and "after all his hustling saw another man get the place." In hours of crisis, Lincoln gave more time to federal patronage than to all other items on his daily program. *Abraham Lincoln: The War Years*, (1939), I, pp. 162-63. Civil service reformers often quoted Lincoln's offhand remarks about patronage. Schurz in his long Senate speech on his civil service bill said that a few days before his assassination, Lincoln, pointing to a crowd at his office door, remarked to Senator Wilson, "Now we have mastered the rebellion; but there you see something that in the course of time may become far more dangerous to the Republic than the rebellion itself." *Congressional Globe*, 41 Cong. 3 sess., January 27, 1871, Appendix, p. 74.

¹² These attempts at reform were through the back door, errors in approach, as Carl Russell Fish well states: (1) "they aimed rather to hinder removals than to control appointments; and (2) they tended to shift the power from the shoulders of the President to the Senate, and by dividing the burden to do away with all sense of personal responsibilities." *The Civil Service and the Patronage*, (1904), p. 209.

¹³ The bill provided for three commissioners, appointed by the President with the consent of the Senate, to serve as a board of examiners. All candidates were to be between 18 and 25 years of age, and appointed in order of ratings. Rules and regulations prepared were to be approved by the President. Promotion, for instance, was to be based one-fifth on merit and four-fifths on seniority. See Smith, *op. cit.*, p. 8.

¹⁴ Jenckes was a capable lawyer, member of Congress, 1863-1871; he was the first American legislator to become adequately informed on civil service problems; he was defeated for reelection in 1870, died in 1875.

¹⁵ These bills, all revisions of the first, are briefly

as chairman of a joint committee on retrenchment in governmental expenditures, presented two reports, condemning the manner in which the civil service was managed and the political misuse of employees. These reports, which not only described the American personnel policies, but the civil service systems of Europe and China, served long as campaign material for the civil service reformers.¹⁶

Jenckes, as legislative spokesman for the reformers, soon found himself in a dilemma with the impending passage of the Tenure of Office Act of 1867. It was either to support the Radicals and hope for favorable action on his measure, or to support Johnson, right as he thought him to be in principle, and obtain no legislation. He chose to support Johnson's opposition and voted for the Tenure Act.¹⁷

Grant's endorsement of civil service reform before his election renewed activity in behalf of many reforms.¹⁸ But it was ex-

summarized as follows: All appointments were to be made through open competitive examinations, except postmasters and senatorial confirmees. A civil service board of four commissioners, appointed by the President but headed at first, though later dropped, by the Vice President, was to prescribe all rules; to approve qualifications respecting age, health, character, knowledge, and ability; to conduct examinations; and to hold hearings on charges of inefficiency and pass sentence on suspension or removal. Fees were to be charged applicants for admission to examinations.

¹⁶ First report was January 13, 1867, House Report No. 8, 39 Cong. 2 sess.; second, May 25, 1868, House Report No. 47, 40 Cong. 2 sess.

¹⁷ In his bill, May 14, 1868, Jenckes proposed that the Vice President, or his successor, should head a "Department of the Civil Service" and serve as president of a board of four commissioners. In his justification, he contended that "the presidency of the Senate, as the sole duty of this officer, is rather by way of diversion and ornament than of usefulness." Further, he said that "no man's self-respect is heightened by feeling his only importance in the Government is waiting for a fate" to befall the President. *Congressional Globe*, 40 Cong. 2 sess., May 14, 1868, p. 2469. But after Grant's inauguration, Jenckes' rationalization of this assignment for the Vice President gives suspicion of sophistry. He then declared that "the exigencies of the service and of the times no longer require the establishment of a separate department [of the Civil Service] with the Vice President at its head." *Congressional Globe*, 41 Cong. 1 sess., April 5, 1869, p. 518.

¹⁸ Grant was then wholly an enigma in politics, as he is partly so now. He, as President, it was generally expected, would take bold action, as he had as a general. Many urgent problems, post-war and otherwise, awaited his attention, several of which, so thought their believers, required outright reform: The Southern policy,

pediency rather than policy that impelled him to recommend any reforms in the civil service. This came only after the Republicans had suffered reverses in the 1870 congressional elections.

Thus in his second annual message Grant spoke:

Always favoring practical reforms, I respectfully call your attention to one abuse of long standing. . . . It is a reform in the civil service. I would have it go beyond the mere fixing of the tenure of office of clerks and employees who do not require the advice and consent of the Senate to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments.

This request set off revived activity for several civil service measures, but Grant had by this time with his administration policies incurred the opposition of many reformers—Sumner, Schurz, Cox, Motley, Logan, Fenton, and Greeley.¹⁹ Grant's daily counselors had become Chandler, Conkling, and Morton, all arch spoilsmen, who took advantage of this split among the civil service reformers in regard to their general support of his administration.²⁰

The civil service measures which were pending in Congress before Grant's message, as well as those introduced subsequently, failed to receive any favorable consideration up to the last day of its closing session. Jenckes, defeated in the fall election, became inactive in this short session. However, Senator Lyman Trumbull, of Illinois,²¹ then still a friend of Grant, stepped into the

tariff, finance, and the civil service. Both friends and foes watched and waited. Neither ever knew with certainty whether he was for or against them. Grant was personally honest but amenable to the worst personal influences; well-intentioned but distracted by activity of sycophants. He was at first friendly with the reformers, then he regarded them with tolerance, later with suspicion, and at last he thought them hypocritical. See Nevins, *op. cit.*, pp. 124-141; Hesselstine, *op. cit.*, pp. 132-206.

¹⁹ J. D. Cox, resigning from the Cabinet shortly before this message, wrote afterwards to Garfield: "We ought to force this lip service into real action." Hesselstine, *op. cit.*, quoted p. 252.

²⁰ *Ibid.*, pp. 252-268.

²¹ Trumbull, a lawyer, served as Senator from 1854-1873. An administration leader under Lincoln, he was elected first as a Democrat, then as a Republican. He voted to sustain President Johnson; later he broke with Grant and joined the Liberal Republicans. He died in 1896.

breach in the late hours of the last day, March 3, 1871, and obtained the rider to the sundry civil appropriation bill, which is now Section 1753 of the Revised Statutes.

Trumbull offered this amendment after complaining of the Judiciary Committee's adverse attitude toward his resolution which imposed a heavy fine on any member of Congress who recommended anyone for an office without having received a written request from the Executive. This rider, Trumbull said, was "an amendment which, it is understood, if presented to the other House, will be adopted."²² After considerable opposition, the amendment was approved by the Senate, 32 to 24, and, after a motion to table was lost 26 to 25, passed by the House under suspension of the rules, 90 to 20.²³ Thus for the first time in its history, Congress had by law granted that much authority over the control of the civil service to the President.²⁴

ORGANIZATION OF THE COMMISSION

PRESIDENT GRANT, to the surprise of his critics and enemies, appointed on June 5 a commission of seven persons,²⁵ headed by George William Curtis, civil service reformer and editor of *Harper's Weekly*.²⁶ Joseph Medill, a friend of Lincoln and Grant and owner of the *Chicago Tribune*, was one of the non-government

members.²⁷ Three of the Commission were federal employees.²⁸ The appointments not only disarmed suspicion about Grant's doubtful sincerity, but obtained for him the support of the powerful journals, the *New York Tribune* and the *New York Times*. So pleased was Grant with this selection that he exclaimed that every "tempest" stirred by his opposition had "recoiled on them that got it up."²⁹

The Commission began deliberations on June 28, 1871.³⁰ Its minutes state that the "Civil Service Commission met at 12 o'clock on the [June] 28th Instant at the Department of the Interior, all the members being present. By virtue of precedence of appointment Hon. George Wm. Curtis took the chair and on motion Mr. E. B. Elliott was elected Secretary."³¹ The commission of

²⁷ Medill, as co-founder of the *Chicago Tribune*, had rendered yeoman service to Lincoln in his fight for the 1860 nomination. He was an early organizer of the Republican party, continued to be one of its powerful supporters. While serving as member of the Commission, he was elected Mayor of Chicago shortly after its disastrous fire. The third non-employee member, Alexander G. Cattell of New Jersey, a banker and politician, and friend of Lincoln, was elected U. S. Senator (1866-71) "in face of opposition which declared him mentally and morally unfit and only financially qualified;" he voted to impeach Johnson; subsequently he was involved in several financial scandals; afterwards, Secretary of the Treasury Bristow, refused to reappoint him Treasury agent in London because he said it "would be in the interest of dishonesty." Cattell died while under treatment for "dementia," 3 *Dict. of Amer. Biography* (1930) 577. The fourth member was Dawson A. Walker of Georgia.

²⁸ E. B. Elliott, Chief Clerk of Bureau of Statistics, Treasury Department; J. H. Blackfan, Superintendent of Foreign Mails, Post Office Department; and David C. Cox, Clerk, Interior Department.

²⁹ Hesseltine, *op. cit.*, p. 253.

³⁰ On the eve of the first meeting, the *Washington Evening Star* reported that the Commission's business "will be simply for the purpose of organizing and adopting some plan by which statistics of the civil service in the different countries of Europe may be obtained. After this is done, it is believed that the Commission will adjourn until October, when, with the data mentioned before it, it will begin its labors in earnest, and soon after evolve some system which will be recommended for the conduct of the civil service in the United States."

³¹ *Minutes of the Civil Service Commission*, p. 5, June 28, 1871. (Hereafter cited as *Minutes*.) The record book, which contains the minutes, was kept in the handwriting of Daniel Connolly, who served as "phonographic clerk" of the Commission. No specific reference seemingly exists as to why the Commission was called as such. The *Evening Star* on June 5, when the appointments were announced, referred to it as the "Civil Service Committee," but on June 27, and thereafter called it the "Civil Service Commission."

²² *Congressional Globe*, March 3, 1871, 41 Cong., 3 sess., p. 1997.

²³ This amendment carried an authorization of \$25,000 for expenses, but Congress voted later only \$10,000 in the Act of April 20, 1871.

²⁴ For other summaries of civil service legislative efforts, see A. B. Sageser, *The First Two Decades of the Pendleton Act* (1935), pp. 9-25; Smith, *op. cit.*, pp. 1-12; Fish, *op. cit.*, pp. 209-216.

²⁵ The *Washington Evening Star*, June 5, 1871, carried the announcement in its news column, then a regular feature carrying items of national importance.

²⁶ Curtis (1824-1892) was well known as a leading spirit in the Republican party since its founding and among the first to advocate civil service reform. He, in his capacity as a litterateur, reformer, editor, orator, and advocate of intelligent citizenship, had served as an exemplary member of numerous civic committees. After his work for the Civil Service Commission (1871-73) he was chairman of both the New York State and the National Civil Service Reform Associations. Curtis was not a partisan Republican; he refused to support Blaine in 1884, instead favored Cleveland.

the President to the members, as prepared by Secretary of State Hamilton Fish, June 1, 1871, reads, after citing the provisions of section 9, as follows:

The President has designated you as suitable persons to carry out the provisions of the Act. A room will be provided for your use in the Department of the Interior where you are requested to convene for the purpose of entering upon your duties at noon Wednesday the 28th day of June instant. You are also requested to communicate your acceptance or declension of this employment to me [Hamilton Fish] at your earliest convenience.³²

THE Commission, upon completion of its formal organization, entered immediately into a discussion of its scope of authority. It was "the unanimous opinion of the members that their powers were advisory, not executive, and were limited to the preparation of rules and regulations for the approval of the President." The members agreed "as to the necessity for reform" of the civil service. "After comparing quite fully their views as to their duties," the Commission adjourned for the day "to call upon President Grant to solicit his general ideas relative to the subject submitted to their consideration."³³

The Commission, at its second meeting, reported the results of their call upon Grant. "The President remarked," according to the minutes, "that it would be well to have the suggestions of gentlemen known to be identified with civil service reform." And then he read "a letter to himself from Mr. Jenckes on this subject."³⁴

The members of the Commission, not unlike other reformers, proceeded to discuss a plan of reform in the civil service "without reaching a fixed conclusion." Medill "thought the evil of the present system is the instability of tenure, the remedy for which in his judgment is a fixed term of office." He advised the members as

to Grant's attitude and said, in his opinion, "any plan of reform which the Commission might suggest to the President would be submitted by him to Congress and endorsed as fully as it agreed with his own ideas." On the other hand, Curtis "suggested that the idea of a fixed tenure is not agreeable to the American mind." He favored competitive examinations which, he thought, "would not only insure personal fitness, but would destroy political patronage."

Cattell, the politician, had not the optimism of Curtis. He thought "it expedient to suggest a plan of reform that would be taken hold of, even though . . . [not] as far as the members' feelings would carry them." He thought it well to act in harmony with the Executive. "The President," he knew, "desired to be relieved of political pressure, but was not a thorough believer in competitive examination." He was, besides, "in favor of retaining the power of absolute removals." Walker viewed the problem of reform as most difficult. He believed it would be "hard to avoid the evil of patronage." Any system devised, he said, "must of necessity be carried into effect by men and these would be susceptible to the evil influence of the present civil service system." The Commission was not without a realist, for Cox, from the Interior Department, "thought it would have been well to have had some Democrats on the Commission in order that any plan proposed would carry additional weight with their party."

EXPLORATORY DISCUSSIONS

BEGINNING with its third meeting,³⁵ the Commission proceeded to discuss a plan for regulating the admissions to the civil service, which was not as anticipated according to the news story in the *Washington Evening Star* of June 27, 1871. Curtis set off the debate by offering the resolution as follows:

Resolved that we recommend to the President that all admissions to the civil service of the United

³² *Minutes*, pp. 5-6, June 28, 1871.

³³ The *Washington Evening Star*, June 28, carried a story of the first meeting which is almost verbatim of the minutes in its regular Washington news column. It thereafter carried a brief story on nearly all the meetings of the Commission.

³⁴ *Ibid.*, p. 7, June 29, 1871.

³⁵ The Commission thereafter usually met from 12 noon to 4 o'clock on the day appointed for its meetings.

States with such exceptions as may be specified shall be determined by a competitive examination open to all applicants who shall have satisfied such preliminary examination in regard to age, health, character, and other qualifications, excepting political and religious opinions as may be required.³⁶

The resolution was immediately opposed by Medill and Cattell as going too far legally as well as being politically unacceptable. Medill's opinion was that the Commission had "really little to do as it has no power to recommend for adoption to Congress," and he thought that its work "would probably be narrowed down to making an improved Republican civil service." He objected to a system of competitive examination "on the ground that it would provoke great hostility from Congress which is desirous of retaining patronage, a hostility against which the Executive could not stand." Then, too, Medill had technical objections to competitive examinations, for he said a "competitive examination is not a good test of capacity or aptitude, as the history of college graduates shows."³⁷ It is wanting in stability which he considered of utmost importance, "for even good men who have passed examinations would have no assurance that they could retain their places." The law of 1853, he said, provides examinations, "but no stability, which is the real root of the evil."³⁸ Medill also thought that competitive examinations would probably "only apply to a part and that the least important part of the civil service, and a plan based thereon would be incomplete and far from satisfactory."

Cattell viewed distrustfully outright competitive examinations, for such a system would open the doors to Democrats. He thought it desirable, if possible, "to prepare a scheme of civil service reform, which while it would preserve the feature of competitive examinations would so control the nominating power that we should not foster our op-

ponents." He foresaw "opposition from the Administration and many people at large to a plan which would favor enemies as well as friends."

In support of his resolution, Curtis thought that the "Commission should attempt nothing of an inflexible character." He believed in competitive examination so much that if the President and Cabinet were not now favorable to it, they "might be won to it by the conviction that it would not only abolish political patronage but would enure to the credit of the Administration and the good of the country." He would not in theory admit that "if the Commission should consider the establishment of a certain principle necessary they ought to abandon it on account of opposition from the President and Cabinet." Thus at the outset, Curtis, the idealist, was faced with choosing between his principles and compromises.

As chairman, Curtis sought favorable action on his resolution by proposing that the "Commission draw up a rule covering the germ of a reformatory principle and present it to the President, and perhaps by consultation and mutual concessions a harmonious result could be obtained." For this country, Curtis held that "the system he proposed is flexible, is of a growing and developing character." He would have it "apply to a part only of the service and thought there might be excepted from its operation persons subject to confirmation by the Senate and others." For his part he saw "such a principle in competitive examination which had revolutionized the whole civil service of Great Britain." It would, he thought, "insure a moral stability, as it had done in England, which would endear itself to the people and they would in time require it to be incorporated into the law of the land."

Elliott, as well as Blackfan and Cox, gave Curtis testimonial support for his resolution.³⁹ Elliott stated that the principle of

³⁶ *Minutes*, p. 9, June 30, 1871.

³⁷ He also contended that competitive examinations "would give a preference to residents of the District of Columbia and places nearest the seat of Government."

³⁸ The Act of 1853 provided for only pass, instead of open competitive, examinations.

³⁹ Following the details described by Elliott, Cox and Blackfan as to the operation of the examinations in

competitive examination "so far as it had been applied in the Treasury Department under his observation had worked very favorably."

THE QUESTION OF EXAMINATIONS

THE Commission continued consideration of Curtis' resolution of June 30, at its meetings until July 10, at which time it adjourned until October 17, 1871. The debate during these few days on this resolution was occasionally interrupted by an announcement of the receipt of documents⁴⁰ and editorials read by Curtis on civil service, especially those of the *Nation*⁴¹ and the *New York Tribune*.

In the further debate, Cattell thought the Commission "would not arrive at a unanimous conclusion until it had inquired how far is patronage responsible for the evils of the present system." Doubtful as to desirability of total abolition of patronage, he asked whether some means could be devised "to check the evil without abolishing patronage?" He wished "to see patronage preserved to the extent that the privilege of a competitive examination should be open to friends of the Administration only." Cattell thought perhaps "by placing the nominating power in a mixed board having no political responsibility," appointments could be made that would give preference to persons who were favorable to the Administration.⁴²

Walker, like Cattell, saw political con-

siderations as necessary to be preserved. He considered how far under the law a board for the conduct of competitive examinations "could be constituted." Walker failed to perceive "any authority to organize such a board and saw no provision for its payment." But if such a board could be created, he inquired, "would it not be well to have the heads of departments members of it, so as to allow some weight to political considerations?"

THINKING of public opinion, Medill observed that "it would be well to meet the objections which would be raised against the system of competitive examinations." He presented some objections to the plan which had arisen in his mind and which would doubtless be raised outside the Commission should the present resolution be adopted as the basis of reform." For the record, Medill stated the objections to competitive examinations which he believed "would have to undergo the ordeal of public and press scrutiny."

The general objection, he thought, "is that competitive examination is the Chinese system, adapted to a paternal Government, but unsuitable in a republic where parties do and must exist." Other objections were: (1) The competitive examination system would meet with Congressional opposition; (2) It would favor those living at or near the seat of government; (3) The power of removal would remain as before; (4) The exception of Presidential appointments would allow the pressure on the Executive to continue, and in the classes excepted are found the greatest abuses, which include about three-fourths of the payroll and, with reference to importance, about nine sixteenths of those in the civil service; (5) The Presidential appointees, being partisan, would throw obstacles in the way of the system, as would also the partisan press; and (6) Officers under bonds would not submit to be held to a responsibility for the integrity of men in whose selection they had no choice.

their departments, it was suggested that it would be well to obtain information of the number of persons actually in the civil service, "but no order was made."

⁴⁰ Curtis, on July 5, submitted "certain documents from the English Civil Service" received through Blackfan. On July 8, Curtis submitted a copy of the "Report of the Select Committee on the Constitution of the English Diplomatic and Consular Service," dated May 18, 1871. Other documents on the British Civil Service were offered for use by the Commission. Consul General, John Hitz, sent a communication about the civil service of Switzerland.

⁴¹ E. L. Godkin, the editor, devoted considerable attention to reform in the civil service, as well as to uplift in politics.

⁴² *Minutes*, p. 12, July 1. Cattell contended that "an objection to the competitive system is that it would not well apply to an officer who gives bonds and that under it such officer would be responsible for subordinates in whose selection he has had no choice." *Ibid*.

Medill believed there was a way of overcoming all but one of these objections. He said he was "unable to answer the objection that it destroyed the Constitutional power of appointment vested in the heads of departments." He argued that heads of departments would under the competitive system be "no longer free agents and could not therefore appoint in the manner intended by the Constitution when they are deprived of the right of selection and the certificate of the examining board would entitle an applicant to a position."

THESE objections, relevant and irrelevant, that had been raised by Cattell and Medill to Curtis' resolution, grouped pretty much the underlying issues about the civil service of this period which were not well understood. First of all, Curtis said, in refuting Medill and Cattell, "we must as far as possible fix our mind upon a principle which will control the system after temporary considerations like the Rebellion question have passed." Further, he said, "we must either make an entire change, as is contemplated by this resolution or we ought greatly to modify the present system."⁴³ Anything short of his resolution, Curtis declared, would succeed no better than the Act of 1853. "For any system," he said, "in which the power of nominating rests in the hand that makes and controls the nomination is an essentially vicious one." A mixed board invested with authority to nominate, as suggested by Mr. Cattell, he thought "would still be subject to political pressure and the evil of the present system would be changed to another direction and not abolished."

⁴³ For information to the Press, "it was agreed to report that the Commission had been mainly occupied in considering whether it is possible to take the civil service, with certain exceptions, out of the domain of party politics, and for that purpose had been considering the value of an open competitive examination." *Minutes*, July 1, p. 15. The *Washington Evening Star*, July 1, 1871, reported the Commission's deliberations "as whether it is possible to take civil service, with certain exceptions, out of the control of party politics and to this end has been considering the subjects of open competitive examinations."

THE POWER OF APPOINTMENT

CURTIS was not without bold thoughts for his time as to the scope of the President's appointing power. To Cattell's question about the delegating authority, he believed that the President could probably "delegate officers already known in the law to act as examiners, which would remove the objection of no authority to create a board and pay it." In answer to Mr. Medill's objection with reference to the Constitutional power of appointment, he thought that Congress in delegating authority to the heads of departments could give it within limits. Further, Curtis believed, "it might be held that Congress had originally vested the appointment of certain officers in the heads of departments, but the law creating this Commission virtually vests the appointment of these persons in the President." He argued that under the present Act, Congress "has withdrawn from the heads of departments the appointment of their subordinates and has vested the appointment of all inferior officers in the President alone, subject to such rules and regulations as he may prescribe."

By July 6, the Commission's consideration had raised enough Constitutional questions about the appointing power of the President to require an opinion of the Attorney General. It was agreed to "refer informally to the Attorney General for his opinion on the question whether Congress can under the Constitution delegate to the President authority to prescribe rules for admission to the civil service which would practically defeat the power of appointment vested by law in the heads of departments."⁴⁴

The Commission, on July 7, agreed before reaching a vote on Curtis' resolution that no "definite plan of action could be adopted and an interview with the President of the United States was advisable."⁴⁵

⁴⁴ *Minutes*, p. 17, July 6, 1871.

⁴⁵ Cattell was requested "to ascertain if his Excellency would be in Washington on the 11th instant as reported in the newspapers." *Minutes*, p. 19, July 7, 1871.

Medill, on July 8, stated "that he has had an interview with the Attorney General who thought while the President might apply competitive examinations with reference to those officers whom he himself appoints, he could not require the heads of departments to appoint any particular person, as it would destroy the power of appointment vested in them by the Constitution and the law."⁴⁶

The Commission, on July 10, suspended discussion on Curtis' resolution to await the opinion of the Attorney General. Curtis was instructed to request the President by letter for an opinion of the Attorney General upon the questions which had arisen as objections to the resolution. The questions were posed as follows:

First, Whether the designation of a single person for appointment by a board which is not established by the Constitutional appointing power would virtually vest the appointment in a body unknown to the Constitution.

Second, May the President under the Act by which this board is organized, regulate the exercise of the appointing power now vested in the heads of departments or in the courts of law so as to restrict the appointments to a class of persons whose qualifications and fitness shall have been determined by an examination instituted independent of the appointing power?⁴⁷

THE Commission resumed its meetings on October 17, 1871, in accordance to the recess it adopted on July 11. After disposing of certain amenities and making announcements⁴⁸ it "proceeded to a consideration of the Attorney General's opinion" on the questions asked him on July 10.⁴⁹ To the first question, the Commission's interpretation of the opinion was "that it is a negative answer" and, that, as to the second, "it is competent for Congress or the President to appoint a board for examination, the result of which shall be a

certain class eligible for appointment and from which class only appointments may be made."

Curtis disclosed that Mr. Jenckes had submitted his views on the Commission's questions to Attorney General Akerman before he rendered his opinion. These Curtis read to the members present, the summary of which is that Jenckes saw "no constitutional objection to the system of competitive examination and that the continuous Congressional interpretation of the appointment clause of the Constitution is binding as a precedent."

The Commission, now with its legal questions settled for it, "proceeded to consider the establishment of a general system of examinations within the exceptions which may hereafter be specified." The question of "the character of the examinations was

mission, Attorney General Akerman predicated his decision on the meaning of word "appoint" within purview of its use in the Constitution. "If to appoint implies an exercise of judgment and will," as distinguished from merely to do a formal act, that is, to authenticate a selection made by the appointing power, "the officer [appointee] must be selected according to the judgment and will of the person or body in whom the appointing power is vested by the Constitution." Thus, said Akerman, "a mode of selection which gives no room for the exercise of that judgment and will be inadmissible" in view of the intent of the framers of the Constitution as it has been adjudged. However, Akerman pointed out that "the appointing may avail itself of the judgment of others as their means of information," as it has always been done through the patronage system. He said there was "no constitutional objection to an examining board, rendering no imperative judgments, but only aiding the appointing power with information." Precisely, Akerman deducted that "the test of a competitive examination may be resorted to in order to inform the conscience of the appointing power, but cannot be made legally conclusive upon that power against its own judgment and will."

To the second question, Akerman replied that "my opinion is that the President may" regulate such appointing power. He held that either the President or Congress "can prescribe qualifications, and require that designation shall be made out of a class of persons ascertained by proper tests to have those qualifications; and is it not necessary that the judges in the tests should be chosen by the appointing power." However, he pointed out that Congress has its limitations in prescribing qualifications for positions which it alone can only create, but some room must remain "to the appointing power for the exercise of its own judgment and will" in making appointments. These limitations, Akerman admitted, were without complete enumeration, but "it is not supposable that Congress or the President would require of candidates for office qualifications unattainable by a sufficient number to afford ample room for choice."

⁴⁶ Minutes, p. 20, July 8, 1871.

⁴⁷ Minutes, p. 21, July 10, 1871.

⁴⁸ Curtis presented several documents he had received from the English Civil Service Commission relating to its latest orders and its work. Minutes, p. 23, October 17, 1871.

⁴⁹ 13 op. Atty. Gen. 516 (August 31, 1871). In considering the first question propounded by the Com-

waived." Each member was to present in writing "the points which he deemed advisable to embody in the system to be established."

DRAFTING OF TENTATIVE RULES AND REGULATIONS

THE Commission, on October 18, proceeded to a consideration of the following propositions:

First, that we recommend to the President that he shall request the heads of departments to grade and classify⁵⁰ the inferior officers in their several Departments throughout the country with reference to the character of the duties to be severally performed.

Second, that we recommend to the President to extend throughout the country the principle of gradation of their inferior officers as applied in the executive Departments at Washington under the Act of 1853.

Third, that there shall be no appointments made in the civil service except to the lowest class of each grade.

Fourth, that the Commission proceed in order with the several departments and group into classes the persons employed therein.⁵¹

The members, "after a full and free discussion" of these propositions in the ten meetings between October 18 and 31, adopted informally several rules for regulating the admissions to the civil service. Curtis discussed them in an interview with Grant on October 30. The tentative rules were as follows:

1. No person shall be admitted⁵² to any position in the civil service of the United States within the appointment of the President and heads of departments, who is not a citizen of the United States;⁵³ who shall not have furnished satisfactory testimonials in regard to character, health, and age and who shall not have passed an adequate examination in speaking, reading and writing the English language and in the first four rules of arithmetic.⁵⁴

2. All admissions to the civil service shall be to

the lowest class of any grade of offices in any department in which gradation or classification exists or may hereafter exist by law or otherwise.

3. Vacancies in the lowest class of any grade shall be filled after one public notice from all applicants who shall have satisfied the preliminary examinations already mentioned and who shall have passed a further competitive examination to test knowledge, character, and ability; and all certificates of the results of such examinations shall designate the name of the candidates in order of their excellence as tests by such examinations and the number of names so certified to the heads of the departments shall in no case exceed (three)⁵⁵ for each vacancy to be filled, from which number so certified the appointment or appointments shall be made.⁵⁶

4. Vacancies occurring in any class of a grade of office above the lowest in any department of the service in which gradation or classification exists or may hereafter exist by law or otherwise shall be filled by a competitive examination of all applicants from the next lower (any of the other) class, but if none are found competent the appointment shall be made upon an examination of all applicants conducted in accordance⁵⁷ with the provision already for admission to the lowest class.

5. Vacancies in all offices not graded or classified shall be filled in accordance with provisions already made for admissions into the lowest class of any grade.⁵⁸

6. The appointments of every person entering the civil service in accordance with these regulations, excepting when it is to an office of a class to be designated by persons employed by the President⁵⁹ under the Act of March 3, 1871, as a class to which this rule is inapplicable will be made for a probationary term of six months during which his conduct and capacity shall be tested and if at the end of said probationary term satisfactory proofs of his fitness shall have been furnished to the head of the department in which he shall have been employed during said term, he shall be reappointed.⁶⁰

7. The head of each department shall designate three persons in his Department to serve as a board which shall conduct regulations to be approved by persons employed by the President under the Act of March 3, 1871, all examinations for admission in the several branches of service for which provision is not already made by law.⁶¹

⁵⁰ Blackfan proposed on October 31 that "three" be inserted in place of the blank carried in the original draft. *Ibid.*, p. 34.

⁵¹ *Minutes*, p. 34, October 27, 1871.

⁵² *Ibid.*, p. 36.

⁵³ Curtis by amendment on October 31 added this as Rule 5. *Ibid.*, p. 37.

⁵⁴ Curtis by amendment on October 31 substituted "persons employed by the President" for "Civil Service Commission appointed." This apparently would permit the Commission to avoid the accusation of being presumptuous, because it had previously regarded itself an advisory rather than an executive body. *Ibid.*

⁵⁵ *Minutes*, p. 32, October 26, 1871, a revision of rule adopted October 24.

⁵⁶ *Minutes*, p. 31, October 26, 1871.

⁵⁰ The term to "classify" and its derivative "classification" used here denote a means of achieving equalization of pay for employees performing the same work. Its meaning as used in the Civil Service Act of 1883 refers to placing positions within the scope of the competitive examination system.

⁵¹ *Minutes*, p. 25, October 18, 1871.

⁵² Curtis by amendment on October 31, substituted "admitted" for "appointed." *Minutes*, p. 35.

⁵³ Curtis by amendment on October 31 inserted this clause. *Ibid.*

⁵⁴ This rule was adopted on October 19; it was in form of a resolution, agreed to on October 18. *Minutes*, p. 25.

The 1941 Annual Meeting of the Civil Service Assembly

—A PROGRAM SUMMARY¹

THE thirty-third annual meeting of the Civil Service Assembly of the United States and Canada was held in Jacksonville, Florida, on October 27, 28, 29, and 30, 1941. Headquarters for the meeting were at the Hotel Roosevelt.

MONDAY, OCTOBER 27

FOLLOWING the formal call to order at 9:30 A.M. by President Emery E. Olson, a cordial welcome was extended to the delegates by the Honorable John T. Alsop, Jr., Mayor of Jacksonville, and by Dr. E. H. Teeter, Chairman of the Jacksonville Civil Service Board. Messages of greeting from President Roosevelt and from a number of governors and mayors were read. Before opening the first panel discussion, President Olson announced the membership of the Auditing, Nominating, and Resolutions Committees. These committees were as follows:

Auditing Committee. W. Leonard Johnson, Director, Indiana State Personnel Division; and Harry C. Jones, Commissioner, Maryland Department of Employment and Registration.

Nominating Committee. Charles A. Adams, Manager, Municipal Personnel Service, Michigan Municipal League; Clifford N. Amsden, Secretary and Chief Examiner, Los Angeles County Civil Service Commission; John J. Furia, Director, Bu-

reau of Training, New York City Civil Service Commission; George F. Gant, Assistant Director of Personnel, Tennessee Valley Authority; Henry J. McFarland, Director, Municipal Service Bureau, New York State Department of Civil Service; O. E. Myers, Manager, Fifth United States Civil Service District; and Willard E. Parker, State Personnel Director, Louisiana Department of Civil Service.

Resolutions Committee. Kenneth G. Beggs, Survey Specialist, United States Civil Service Commission; Earl DeLong, President, Evanston Civil Service Commission; Stanley G. Nelson, Chief Examiner and Executive Secretary, Civil Service Commission of Canada; Kenneth C. Pennebaker, Director, Minnesota State Civil Service Department; and Louis B. Travers, Assistant Superintendent of Schools, Los Angeles, California.

The opening panel discussion, headed by Earl DeLong, Chairman of the Evanston Civil Service Commission, centered around meeting personnel problems in the national emergency. After an adjournment for lunch, the discussion of this topic was resumed in the afternoon.

At the luncheon meeting, Congressman Robert Ramspeck of Georgia, Chairman of the House Committee on Civil Service and author of much federal merit system legislation, spoke on the expansion of the merit system. William H. McReynolds, Liaison Officer for Personnel Management in the Executive Office of the President, followed Mr. Ramspeck. His topic was "An Over-All

¹ In accordance with a policy approved by the Executive Council of the Civil Service Assembly, the practice of publishing a detailed record of the annual meeting proceedings has been altered in favor of a summarized account.

View of Federal Personnel Administration." President Olson introduced the speakers.

On Monday evening, through the courtesy of the Jacksonville Civil Service Board, an informal social gathering provided opportunity for delegates to renew acquaintances and discuss problems of mutual interest.

TUESDAY, OCTOBER 28

OPENING the day's program were three concurrent gatherings devoted to brief reports by representatives of the various member agencies concerning the principal advancements by their organizations within the last year. The session, entitled "A Roll Call of Outstanding Accomplishments during the Last Year," was divided into the following groups: (1) federal and state agencies; (2) state departmental agencies, county agencies, and large municipal agencies; and (3) smaller municipal agencies. At the Tuesday luncheon meeting, Mrs. Lucille Foster McMillin, member of the United States Civil Service Commission, spoke on "Women in Government Today." W. J. Brown, General Secretary of the Civil Service Clerical Association of Great Britain, concluded the luncheon meeting with a discussion of the problems of public employees in war-time Great Britain. The speakers were introduced by G. Lyle Belsley, Assistant Executive Secretary, Office of Production Management.

The Tuesday afternoon meeting consisted of two concurrent sessions. Henry J. McFarland, Director of the Municipal Service Bureau of the New York State Department of Civil Service, served as chairman of a session devoted to the problems of medium-sized and small local agencies. Ismar Baruch, Chief of the Division of Personnel Classification of the United States Civil Service Commission, presided at a session on classification and pay plans at which two papers were read.¹ One of these, dealing with the elimination of minimum qualifications from

class specifications, was delivered by Kenneth C. Pennebaker, Director of the Minnesota State Civil Service Department. The second paper, describing the determination of pay policies, was prepared by Carl L. Richey, Chief of the Classification Division, Tennessee Valley Authority.

WEDNESDAY, OCTOBER 29

THE Wednesday morning breakfast session was devoted to planning a public relations program. H. Eliot Kaplan, Executive Secretary of the National Service Reform League, served as Chairman.

The annual business meeting of the Civil Service Assembly was called to order by President Olson at 10 A.M. The Chair then called for the report of the Auditing Committee. The Committee reported as follows:

Honorable Emery Olson, President
Civil Service Assembly of the United States and Canada
Jacksonville, Florida

Your auditing Committee met on October 28, 1941, and reviewed the Auditor's report issued by Arthur Young & Company, Accountants and Auditors, Chicago, Illinois, covering the income and disbursements of the Civil Service Assembly of the United States and Canada for the year ending December 31, 1940.

This report shows the account of the Assembly to be in order.

Your Committee recommends that the report be accepted and placed on file.

Respectfully submitted,
HARRY C. JONES
W. LEONARD JOHNSON

Upon motion duly made and seconded, the report of the Auditing Committee was accepted and adopted.

After informing the delegates of their voting rights, the President called for the report of the Nominating Committee. Mr. O. E. Myers, Chairman of the Committee, reported the recommendations of the Committee to be as follows:

For President, Mr. Ismar Baruch, Chief of the Personnel Classification Division, United States Civil Service Commission.

For members of the Executive Council (regular term), Mr. Charles H. Bland, Chairman of the Civil Service Commission of Canada, and Mr. Kenneth C. Pennebaker, Director of the Minnesota State Civil Service Department.

¹See articles adapted from these papers on pp. 20 and 25 of this issue.

For member of the Executive Council (unexpired term), Mr. I. J. Browder, Director of the Alabama State Personnel Department.

The vacancy for which Mr. Browder was nominated was occasioned by the resignation from the Executive Council of Mr. James H. Hard, Jr. Mr. Hard submitted his resignation from the Council due to the fact that he anticipated accepting a position in the federal service, outside the field of personnel administration.

The President called for any further nominations. There being none, a motion was duly made, seconded, and unanimously carried, accepting the report of the Nominating Committee. Upon further motion, the Secretary was instructed to record an unanimous ballot, electing Mr. Baruch President of the Assembly for the coming year, electing Messrs. Bland and Pennebaker to the Executive Council for regular three-year terms, and electing Mr. Browder to serve the two-year unexpired term.

Mr. Olson then gave the report of the President, and James M. Mitchell gave a brief summary of the report of the Secretary. (See Appendix A.)

The Chair then called for the report of the Resolutions Committee. Mr. Pennebaker, Chairman of the Committee, then presented several resolutions individually. The action taken on each was as indicated.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, It has been noted that several persons who are staff members of public personnel agencies, and who are also members of the Assembly, have been inducted into the military forces of the United States and Canada, and

WHEREAS, It is also noted that such individuals are on military leave and are expected to return to their respective positions upon completion of their military service,

THEREFORE BE IT RESOLVED, That the Executive Council be urged to make provision, if possible under the By-laws, for the extension of Assembly membership privileges, without fee, to such persons for the period of such service.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, Recent months have seen the entrance into the civil service field and to membership in the

Assembly of several governments not heretofore operating under a formal civil service system, and

WHEREAS, The States of Louisiana and Kansas and the city of St. Louis have had comprehensive personnel provisions introduced into their basic legal structures and have proceeded in a sound manner to institute measures designed to implement such legislation,

THEREFORE BE IT RESOLVED, That the Civil Service Assembly extend greetings to those new agencies and recognition of their early efforts in undertaking their responsibilities under law.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, The Civil Service Assembly has been honored by the attendance of the Honorable Robert Ramspeck, member of Congress, and outstanding legislative leader in the extension of the merit system in the federal service,

THEREFORE BE IT RESOLVED, That the Civil Service Assembly express to Congressman Ramspeck its recognition of his service in behalf of the merit system, its appreciation of his attendance and contribution in this meeting, and its cordial invitation to him to attend future meetings of the Assembly.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, Word has reached us of the death on September 8, 1941, of John T. Doyle, who was for almost half a century the Secretary of the United States Civil Service Commission, and who was one of the founders of the Civil Service Assembly, it seems proper that we should at this time set forth a statement of the services rendered by Mr. Doyle to the cause of civil service.

John T. Doyle, then twenty-four years of age, was appointed as a stenographer in the office of the United States Civil Service Commission on March 9, 1883, the same date on which the first Commissioners appointed by the President under the newly enacted civil service law assumed office. He went through the formative days and years of civil service in this country and on September 15, 1886, he was promoted to the position of Secretary of the United States Civil Service Commission. He continued in this position unaffected by changing administrations until June 30, 1932, when he retired, though continuing to promote the cause for which he had given so many years of his life.

THEREFORE BE IT RESOLVED, That we express at this time our admiration for the fine example which he has set in dedicating his life to the principles of civil service in the United States.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, the city of Jacksonville Civil Service Board and the Florida Association of Municipal Civil Service Boards, hosts of this 1941 meeting, and especially their representative, Miss Alma Price, have made the 1941 meeting one to be remembered in the annals of Assembly history by the graciousness, thoughtfulness, and care with which they have provided for the accommodation and entertainment of the delegates,

THEREFORE BE IT RESOLVED, That the Assembly express its enthusiastic appreciation and thanks to the Jacksonville Board, the Florida Association, and Miss Price, and that the Secretary be directed to send to each of them a copy of this resolution.

Upon motion duly made and seconded, the following resolution was adopted:

WHEREAS, In June, 1941, the Executive Council of the Civil Service Assembly regretfully accepted the resignation of G. Lyle Belsley as Director of the Headquarters Office, and

WHEREAS, G. Lyle Belsley, from the time he assumed office in 1935, displayed those qualities of leadership and resourcefulness which stimulated an even wider acceptance of the principles and practices of the merit system and made it possible for the Assembly to exert more influence and provide greater service than at any other time in its history,

THEREFORE BE IT RESOLVED, That the Civil Service Assembly, meeting in Jacksonville, Florida, for its 33rd annual conference, does hereby express its most sincere appreciation and gratitude to G. Lyle Belsley for his outstanding contribution in furthering the recognition of public personnel administration and his invaluable service in emphasizing to the Civil Service Assembly membership and the public alike the important role the merit system plays in the effective operation of governmental enterprise.

Brief reports were then given by the Chairmen of the three regional conferences: Harry W. Marsh, Eastern Regional Conference; W. Leonard Johnson, Central Regional Conference; and William L. Henderson, Western Regional Conference.

There being no further business to come before the meeting, upon motion duly made and seconded, the meeting was adjourned.

On Wednesday afternoon, delegates took a sight-seeing trip by bus to St. Augustine and the Marineland Studios. There was an informal dinner dance at the Ponte Vedra Beach and Country Club in the evening.

THURSDAY, OCTOBER 30

TWO concurrent sessions were held Thursday morning. As chairman of one session, Henry F. Hubbard, Staff Assistant,

Council of Personnel Administration, United States Government, led the discussion of a paper, "Progress in Methods of Personnel Selection," prepared and delivered by Joseph W. Hawthorne, Assistant Chief, State Technical Advisory Service, Social Security Board. David L. Robinson, Director, Public Administration Service, was chairman of another group which discussed the paper "Internal Management of a Personnel Agency," by Oliver C. Short, Director of Personnel, United States Department of Commerce.²

At the luncheon meeting, Harry W. Marsh, Personnel Director, Connecticut Personnel Department, presided and introduced L. A. Appley, Expert Consultant to the Secretary of War, who spoke on "Organizing for Personnel Administration."

The final afternoon meetings were again conducted in two concurrent sessions. One was a continuation of the Tuesday afternoon panel session on problems of medium-sized and small local agencies, and the other was a panel discussion headed by John J. Furia, Director of the Bureau of Training of the New York City Civil Service Commission, on "Employee Training and the Personnel Agency."

On Friday, October 31, a post-meeting session was held for representatives of state merit system councils. The program was under the auspices of the Social Security Board.

² See articles adapted from these papers on pp. 7 and 11 of this issue.

APPENDIX A

REPORT OF THE SECRETARY TO THE THIRTY-THIRD
ANNUAL MEETING OF THE CIVIL SERVICE ASSEMBLY

Jacksonville, Florida, October 27, 1941

It gives me great pleasure to report that your organization, together with the general field of public personnel administration in this country and in Canada, has continued to make substantial advances during the year which has passed since the last annual meeting of the Civil Service Assembly. The months that have elapsed since last fall have been momentous ones for all of us. All down the line, the impact of national defense activities has been felt, and these forces have been manifest in a special way insofar as the public service and its personnel are concerned. Defense industry has not been alone in its continuing cry for more and more manpower. To government, likewise, has come heavier burdens to bear and greater responsibilities to discharge in this critical era of our national life.

The most urgent problems with which we, as public personnel administrators, are faced today is whether we shall be able to give our governments—national, state, and local—the full measure of services which each requires in the national emergency. We must meet the challenge with flexible policies and accelerated procedures, and still we must retain the fundamental practices and concepts which experience has shown to constitute good personnel administration. I am convinced that we shall meet this challenge and that public personnel administration will come through its trial-by-fire to a position more secure in the public esteem than ever before. If we are to do this, however, we must increasingly work together in the solution of our many common problems through our own organization, the Civil Service Assembly.

During the last year, a number of significant forces and trends in public personnel administration have emerged, and others already on the scene have made their presence felt with increasing vigor. On every possible occasion, your Assembly, through its Executive Council and its Headquarters Office, has contributed constructively to this advancement by initiating, encouraging, and conducting activities which would guide personnel developments toward sound objectives. A brief review of the principal recent developments will serve to present at least a partial picture of the present situation and gives some indication of the future in the public personnel field.

There has been a continued increase in the number of new civil service laws, public personnel agencies, and public employees covered under merit system provisions. There are more than twice as

many merit systems in the United States today as there were a decade ago. In other words, more governmental jurisdictions have adopted the merit system in the last ten years than in the preceding fifty years of civil service in this country. More than 1,000 jurisdictions now have at least some of their employees under civil service.

Aside from the geographical spread of the merit system, there have also been important jurisdictional extensions within the last twelve months. Perhaps the most notable of these has been the passage of the Ramspeck Act, bringing additional thousands of federal employees under civil service. But in the states and cities, too, impressive progress has been made in extending merit system coverage to new jurisdictional areas. There is no reason to believe that these wholesome trends will not continue in the future. On the contrary, as the repercussions from the national defense program produce an increased public demand for efficiency and economy in the public service, we can anticipate the adoption of the merit system on a still larger scale.

Perhaps more important than the extension of the merit system itself are the circumstances surrounding the adoption of the new legislation, the type of legislation adopted, and the steps taken to put the system into operation. A broad base of support from citizen groups, employees, administrators, legislators and the executive has been the rule rather than the exception. The laws which have been adopted represent a minimum of compromise with good personnel administration. Nation-wide examinations for the selection of executive officers have become common practice. In many cases the executive officer has in turn been able to waive resident requirements in securing trained and experienced staff members.

Increased attention is being given to the problem of personnel administration in the small jurisdictions. The test service of the Assembly, to which reference is made elsewhere in this report, is proving to be of real value. In a letter to the Headquarters Office recently, one administrator said, "It would be impossible for us to conduct our program without the assistance of the test service." The larger civil service agencies in states, counties, and cities continue to aid the smaller jurisdictions in their localities. The New York State Civil Service Department's recently established Municipal Serv-

ice Bureau is moving forward steadily in its program of service to local governments in New York state.

Cooperation among the larger agencies, as well as agencies of different sizes, is receiving marked impetus through the cooperative personnel recruitment study of the United States Civil Service Commission and the Assembly. This joint undertaking was inaugurated at our meeting in Cleveland last year. A staff has been appointed; staff members have visited a number of agencies throughout the country; many conferences have been held with federal, state, and local personnel officials; state and local eligible lists have been supplied the federal government for use in recruiting specialized personnel; and preliminary discussions have been held with reference to cooperative examination programs.

With the expansion of governmental activities as a result of defense activities, the demand for trained personnel workers has increased even more sharply than in preceding years. Most of the expansion, and consequently most of the demand for personnel workers, has occurred at the federal level. Thus, 1941 has been a year in which a substantial number of administrators and technicians from state and local agencies have shifted their activities to Washington and elsewhere in the federal service.

It is notable that there is practically no reciprocal movement from federal personnel agencies to those of state and local governments. This means that the state and local agencies are serving to a large extent as a training ground for the federal service, and there is nothing to indicate that this will not continue to be the case in the foreseeable future. Most of the larger personnel agencies at all levels of governments are conducting formalized training programs which will do much to meet the need for new recruits to the field, and the Assembly's Committee on the Training of Personnel Workers is continuing to give attention to this important problem.

Other trends that have emerged in previous years continued during 1941. Public personnel agencies gave continued attention and support to in-service training activities in operating departments, and indications are that this trend will be markedly accentuated in the future in order to meet defense needs. Agencies have exerted greater efforts than heretofore in building sound public relations, and in reporting objectives and activities to the general citizenry and to specialized groups in their communities. Problems relating to the unionization of government workers continued to face public personnel agencies and public officials generally, and unions of public employees continued to expand during 1941. Citizen interest and support for the merit system remained at a high point, and the National Civil Service Reform League intensified its efforts in behalf of the extension of the merit

system. The federal government continued to exert a marked influence on state and local personnel administration. This has been primarily through the activities of the Social Security Board in implementing the amended Social Security Act, which requires state and local employment security and public assistance agencies participating in the Social Security program to establish merit systems and abide by certain personnel standards prescribed by the Board as a condition of receiving federal grants-in-aid. The scope of retirement plans in the public service was broadened in a number of jurisdictions, and legislation to extend the provisions of the Social Security Act to cover federal, state and local employees now exempted was considered by the Congress.

Amid this many-sided activity, the Assembly has carried forward its own program apace. The usual functions of the Headquarters Office have been continued—activities such as the answering of inquiries on numerous phases of public personnel administration; the periodic visits to agency members; consulting on personnel problems with visitors to the Headquarters Office; the participation in the regional conferences of the Assembly and of other public officials; and the publication of the monthly NEWS LETTER and the quarterly journal, PUBLIC PERSONNEL REVIEW. But in addition to these, several accomplishments during the past year seem noteworthy.

The comprehensive survey of public personnel policies and practices, which was begun several years ago, bore its first fruits in the publication of three of the volumes in the series. The first report, that of the Committee on Employee Training in the Public Service, of which Milton Hall is chairman, came off the press in May of this year. The second report, that of the Committee on Public Relations of Public Personnel Agencies, of which William E. Mosher is chairman, appear in June. The third report, that of the Committee on Position-Classification in the Public Service, of which Ismar Baruch is chairman, has been received from the printer within the last few days. Several additional committees have completed the final manuscripts of their report. These are the reports dealing with employee relations, oral examinations and interviews, recruitment, placement, and probation. These, together with additional volumes in the series, will be published as soon as they can be prepared for the printer.

Here is a major effort on the part of the Assembly of which every member should be proud. These reports will constitute the first genuine documentation of the field of public personnel administration. Each report will be as complete and authoritative as its committee can make it. The reports are not the work of one man, even though the chairman of

each committee has of course assumed the major responsibility for bringing the document to completion. The committees which have not yet completed their reports are continuing at work, and before long, we hope, comprehensive documents covering every major phase of public personnel administration will be available to personnel administrators and technicians, university professors and students, employee and citizen groups, and legislators and administrators.

Reviewers of the first two volumes in the Policies and Practices series are enthusiastic in their praise. The following quotations are from two recent reviews: "Every up-to-the-minute government administrator will want this book conveniently at hand for constant use;" and "Personnel managers, executives, supervisors, and employees—public and private—should welcome this volume and the others to come as valuable additions to the too scanty literature on specific phases of personnel management, and the Civil Service Assembly is to be congratulated on the launching and early completion of so valuable an enterprise."

Funds for printing reports in this series are limited and it will be necessary to sell a sufficient number of the earlier volumes in order to pay for the printing of those completed last. The sales of the reports are steadily mounting, however, and it is hoped that sufficient funds will be available.

Major improvement has been made in the Assembly's test exchange service. All of the test material in the files in the Headquarters Office has been reviewed and re-classified according to subject matter and job level. A positive effort has been made to secure keyed copies of tests, and there are now nearly 4,000 completely keyed tests available to active agency members. The Executive Council of the Assembly is at present giving thought to ways and means for still further improvement of the test exchange service.

A suggested plan for the classification of subject matter in the field of public personnel administration was developed by a staff member of the Headquarters Office and was published in the January, 1941, issue of PUBLIC PERSONNEL REVIEW. This plan has been long needed. In preparing the plan, effort was made to achieve adequate flexibility to meet divers needs. It was recognized that the plan would be called upon in some instances to serve only as a basis for subdividing broadly a comparatively small amount of varied materials, whereas other installations on a larger scale would require a far finer degree of breakdown. It is believed that the plan provides a ready basis to agencies for setting up their subject-matter reference files; word from several agencies indicates that the plan is already being put to good use.

The Assembly has recently published a compila-

tion of current research in the field of public personnel administration. As announced in the September NEWS LETTER, the compilation is available to Assembly members and requests for it are still coming in. The research projects listed include unpublished works undertaken during the years 1938-41 by civil service agencies, professors, students, and professional organizations. The list is as complete as diligent investigation can make it, but it is inevitable that some projects may have been accidentally overlooked. Further additions to this list by members of the Assembly are requested, in order that the list may be revised periodically and brought up to date. The maintenance of this clearing house on current research in public personnel administration will thus be of continuing benefit to all of us in the field.

Close cooperation with other national governmental organizations and with professional, civic, and employee groups has been continued. A member of the staff of the Headquarters Office is serving as a member of the Civil Service Committee of the American Library Association's Board on Salaries, Staff and Tenure. The Assembly's staff has suggested research subjects in the field of public personnel administration to professors and graduate students on numerous occasions, and has furnished reference material from the files of the Assembly to be used in the preparation of reports and theses. A member of the Headquarters staff collaborated in the preparation of a comprehensive monograph on the problems and procedures in installing a merit system. This monograph has been published by Public Administration Service.

The close relationship with the National Civil Service Reform League, and other citizens groups has been continued by the exchange of information about personnel developments throughout the country and by giving technical advice and counsel on numerous occasions on a wide variety of problems in public personnel administration.

In addition to the Policies and Practices committees already mentioned, there are other committees of the Assembly which have been established to deal with major problems with which the organization is faced. These committees are as follows: National Preparedness; Training of Personnel Workers; Legislation; Professional, Trade and Technical Employment Standards; Test Service; Planning; and Public Information. Most of these committees are planning to convene here in Jacksonville during the annual meeting. Although some of these Assembly committees have run into unforeseen difficulties in carrying out their programs, the Executive Council is now considering ways and means for facilitating their work.

Lastly, a significant annual increase in the membership of the Assembly is again to be recorded.

The Assembly membership stands at an all-time high of 857 as of October 20. This figure already represents an increase of more than twenty per cent over the year 1940, and the final totals for the full calendar year will undoubtedly be higher. This steady growth in membership shows clearly the vigor and vitality of your organization. With this growth has come an increase in the income realized from membership dues and from the sale of publications. This income is now more than \$10,000.00 a year, but this represents only a little more than one-fourth of the Assembly's annual operating budget of approximately \$40,000.00. Thus, it will be seen that, from a financial standpoint, Assembly members are still supporting their organization to a limited extent only.

The Assembly will eventually require more adequate financial support by its members. We have known for a long time that the Assembly could not expect to rely on special gifts and grants indefinitely. The Spelman Fund of New York has made a grant of funds for the support of the Assembly's work and program up to January 1, 1944, which will enable us to carry on with substantially the same budget as we have had for the past several years. At or before the end of 1943 it is probable that the organization will be faced with the necessity of increasing substantially the amount of income from dues and publications if we are to continue to expect additional grants. For these reasons, the Executive Council is now giving consideration to ways and means for increasing the Assembly's earned income.

In order to secure this increase in income a concerted membership drive is planned, in which all

members will be asked to participate. This will be a concerted effort to bring into the ranks of the Assembly every individual and agency engaged or interested in public personnel administration. The Executive Council will also consider the replies from active agency members to the questionnaire recently circulated in connection with agency membership dues. A change in the membership dues of the Assembly will, of course, require an amendment to the Assembly's by-laws, and any such change must be ratified by the membership.

In retrospect, the last twelve months have been difficult, yet stirring ones for all of us. Individually the members of this organization have confronted their problems with a resolute determination to meet the challenge of the times with better methods, and the advances that they have made have been notable. The merit system as an ideal has continued to win new support at the polls and in the legislative halls of the country. Of these accomplishments and advances we can individually and as a group feel justly proud.

The Assembly, too, has progressed in these months. Larger than ever before, its influence as a constructive force in the field of public personnel administration is being demonstrated repeatedly. As an organization, the Assembly stands ready to aid its members in the cooperative solution of their problems, and this same spirit of cooperation on the part of the membership, I am sure, will furnish the continual driving force that will enable the Assembly to achieve fresh advances in the months to come.

Respectfully submitted,

JAMES M. MITCHELL, *Secretary*

APPENDIX B

LIST OF REGISTRANTS—1941 ANNUAL MEETING

- Acree, Cecil, Supervisor of Employment Section, Labor Board, Naval Air Station, Jacksonville, Florida.
- Adams, C. A., Manager, Municipal Personnel Service, Ann Arbor, Michigan.
- Alderman, John, Associate Personnel Methods Consultant, Social Security Board, Birmingham, Alabama.
- Allsopp, H. H., Commissioner, Lakeland Civil Service Commission, Florida.
- Amsden, C. N., Secretary and Chief Examiner, Los Angeles County Civil Service Commission, California.
- Amsden, Mrs. Clifford N., Los Angeles, California.
- Andress, W. S., Assistant Manager, Fifth U. S. Civil Service Commission District Office, Atlanta, Georgia.
- Appley, L. A., Expert Consultant to the Secretary of War, Washington, D. C.
- Argo, Mrs. Elsie, Jacksonville, Florida.
- Aronson, A. H., Chief, State Technical Advisory Service, Social Security Board, Washington, D. C.
- Atkins, Miss Dorothy, Clerical Staff, Jacksonville Civil Service Board, Florida.
- Bahr, W. C., Chairman, Davenport Civil Service Commission, Iowa.
- Bahr, Mrs. W. C., Davenport, Iowa.
- Baker, Ivan, Personnel Officer, Illinois Division of Public Assistance, Springfield, Illinois.
- Baruch, Ismar, Chief of Personnel Classification Division, U. S. Civil Service Commission, Washington, D. C.
- Baruch, Mrs. Ismar, Washington, D. C.
- Becker, Roy J., Member, Los Angeles Board of Education, California.
- Beggs, K. G., Survey Specialist, U. S. Civil Service Commission, Washington, D. C.
- Belsley, G. Lyle, Assistant Executive Secretary, Office of Production Management, Washington, D. C.
- Bender, John W., Commissioner, San Francisco Civil Service Commission, California.
- Bender, Mrs. John W., San Francisco, California.
- Benjamin, Louis K., Personnel Technician, National Youth Administration for Ohio, Columbus, Ohio.
- Bennett, K. Wade, Personnel Officer, National Youth Administration for Georgia, Atlanta, Georgia.
- Bennett, Mrs. K. Wade, Atlanta, Georgia.
- Berger, Philip R., Secretary and Chief Examiner, Alameda County Civil Service Commission, Oakland, California.
- Berry, Gus L., Member, Dallas Civil Service Board, Texas.
- Berry, Mrs. Gus L., Dallas, Texas.
- Bigelow, C. R., Secretary, Denver Civil Service Commission, Colorado.
- Biren, R. I., Assistant Director of Personnel, Minnesota Civil Service Department, St. Paul.
- Biren, Mrs. R. I., St. Paul, Minnesota.
- Bittencourt, Carlos Alberto Lucio, Brazilian Government Official, Rio de Janeiro.
- Bittencourt, Mrs. Carlos Alberto Lucio, Rio de Janeiro, Brazil.
- Bland, C. H., Chairman, Civil Service Commission of Canada, Ottawa.
- Blomeier, Herbert, Training Specialist, Training Within Industry, Office of Production Management, Washington, D. C.
- Brollyer, C. R., Children's Bureau, Washington, D. C.
- Browder, I. J., Director, State Personnel Department, Montgomery, Alabama.
- Browder, Mrs. I. J., Montgomery, Alabama.
- Brown, W. J., General Secretary, Civil Service Clerical Association, London, England.
- Buckley, James L., Acting Director of Personnel, U. S. Department of Agriculture, Washington, D. C.
- Bunch, R. W., Director of Personnel, National Youth Administration, Washington, D. C.
- Bunch, Mrs. R. W., Washington, D. C.
- Burkhart, Miss Mary Helen, Council of Personnel Administration, Washington, D. C.
- Camit, Ernest J., Secretary, Retirement Board of Cook County, Cook County Civil Service Commission, Chicago, Illinois.
- Campbell, C. L., Director of Classification, New York State Department of Civil Service, Albany.
- Campbell, Mrs. C. L., Albany, New York.
- Canova, Sergeant A. B., Crime Prevention Bureau, Jacksonville Police Department, Florida.
- Carlson, Mrs. Dick, Washington, D. C.
- Carlson, R. E., Field Representative, National Recreation Association, Orlando, Florida.
- Carothers, Miss Margaret, Assistant to the Personnel Director, Board of Education, Detroit, Michigan.
- Carty, Joseph G., Personnel Director, Port of New York Authority, New York, New York.
- Carty, Mrs. Joseph G., New York, New York.

- Charters, Miss Jean, Headquarters Staff, Civil Service Assembly, Chicago, Illinois.
- Chase, V. E., Civil Service Commissioner, Dearborn Civil Service Commission, Michigan.
- Chester, H. M., Personnel Administrator, Georgia Department of Public Health, Atlanta.
- Clark, Maxwell, Personnel Research Assistant, State Technical Advisory Service, Social Security Board, Washington, D. C.
- Collett, M. J., Staff Member, Public Administration Service, Chicago, Illinois.
- Conner, P. J., Regional Personnel Advisor, Farm Security Administration, Montgomery, Alabama.
- Coop, F. R., Administrative Consultant, Civil Service Assembly, Chicago, Illinois.
- Coop, Mrs. F. R., Chicago, Illinois.
- Cox, Eddie, Chief Clerk, San Antonio Civil Service Board, Texas.
- Cree, Scott, Executive Secretary, Fort Lauderdale Civil Service Board, Florida.
- Cushman, Charles H., Director, Rhode Island Department of Civil Service, Providence.
- Davenport, Frederick M., Chairman, Council of Personnel Administration, Washington, D. C.
- DeAngelis, Italia, Placement Officer, Office for Emergency Management, Washington, D. C.
- DeAngelis, Manlio F., Certification Coordinator, U. S. Civil Service Commission, Washington, D. C.
- DeLong, Earl, President, Evanston Civil Service Commission, Illinois.
- Dias, Jose de Nazare Teixeira, Brazilian Government, Rio de Janeiro, Brazil.
- Dias, Mrs. Jose de Nazare Teixeira, Rio de Janeiro, Brazil.
- Doak, W. D., Regional Personnel Supervisor, Home Owners' Loan Corporation, Atlanta, Georgia.
- Doering, Miss Martha, Personnel Secretary, Miami Civil Service Board, Florida.
- Donovan, J. J., Assistant Director, Civil Service Assembly, Chicago, Illinois.
- Dreese, Mitchell, Dean, George Washington University, Washington, D. C.
- DuBois, P. H., Merit System Supervisor, New Mexico Merit System Council, Albuquerque.
- Durham, Grady C., Assistant State Director of Personnel, Louisiana Department of Civil Service, Baton Rouge.
- Durham, Mrs. Grady C., Baton Rouge, Louisiana.
- Elmore, F. H., Executive Secretary, Jacksonville Civil Service Board, Florida.
- Elston, W. E., Member, Minnesota Civil Service Board, Worthington.
- Errant, James W., Manager, Municipal Employees Society of Chicago, Illinois.
- Errant, Mrs. James W., Chicago, Illinois.
- Eure, Otis P., Test Technician, Mississippi Department of Public Welfare, Jackson.
- Evans, John P., Chief of Personnel Division, Rural Electrification Administration, Washington, D. C.
- Felix, Miss Betty Jean, Student in Personnel Department, State Department of Personnel, Montgomery, Alabama.
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- Finan, Mrs. William, Chicago, Illinois.
- Fisher, A. M., Chairman, Lakeland Civil Service Commission, Florida.
- Flynn, Mrs. Claire, Variadex File Clerk, Jacksonville Civil Service Board, Florida.
- Forrester, J. A., Commissioner, Dearborn Civil Service Commission, Michigan.
- Foster, Jack H., Merit System Supervisor, Alabama Department of Public Welfare, Montgomery, Alabama.
- Frank, Miss Margaret, Chief Examiner, Maryland State Employment Commission, Baltimore.
- Frazer, Stanley, Senior Examiner, Louisiana State Department of Civil Service, Baton Rouge.
- Frost, Dayton H., Regional Representative, Social Security Board, Birmingham, Alabama.
- Furia, John J., Director of Training, New York City Civil Service Commission.
- Furia, Mrs. John J., New York, New York.
- Gant, George F., Assistant Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee.
- Gardner, Miss Minnie, Stenographer, Jacksonville Civil Service Board, Florida.
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- Goodrich, Mrs. H. F., St. Paul, Minnesota.
- Gory, Adrian, Examiner, Buffalo Civil Service Commission, New York.
- Gray, C. M., President, St. Petersburg Civil Service Board, Florida.
- Graydon, S. W., Director of Personnel, Atlanta Civil Service Board, Georgia.
- Graydon, Mrs. S. W., Atlanta, Georgia.
- Grigsby, Mac G., Merit System Supervisor, Florida Industrial Commission, Gainesville.
- Grigsby, Mrs. Mac G., Gainesville, Florida.
- Haberkorn, Wm. P., President, Cook County Civil Service Commission, Chicago, Illinois.
- Hadley, B. H., Executive Secretary, Miami Civil Service Board, Florida.

- Hagen, N. E., Officer, Jacksonville Police Department, Florida.
- Hampton, J. K., Personnel Officer, Mississippi Unemployment Compensation Commission, Jackson.
- Hard, James H., Director, Jefferson County Personnel Board, Birmingham, Alabama.
- Hart, E. H., Commissioner, Oakland Civil Service Commission, California.
- Hauser, Walter U., Commissioner, Minneapolis Civil Service Commission, Minnesota.
- Hawthorne, J. W., Principal Personnel Consultant, Social Security Board, Washington, D. C.
- Henderson, Henry, Director, Division of Personnel of Kentucky, Lexington.
- Henderson, W. L., Personnel Director and Secretary, San Francisco Civil Service Commission, California.
- Henderson, Mrs. W. L., San Francisco, California.
- Hill, Jesse E., Chairman, Tampa Civil Service Board, Florida.
- Hinckley, E. D., Merit System Director, State Welfare Board, Gainesville, Florida.
- Hochreiter, Joseph P., Senior Personnel Technician, Alabama State Personnel Department, Montgomery.
- Hofmann, Eva L., Office Manager, Civil Service Assembly, Chicago.
- Holcomb, W. E., Merit System Supervisor, Mississippi Department of Public Welfare, Jackson.
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- Horne, Mrs. Bryant, Secretary, Advisory Committee on Personnel, Jackson, Mississippi.
- Horne, Mrs. Martha Parrish, Personnel Supervisor, Florida State Welfare Board, Jacksonville, Florida.
- Hosch, Louis, Administrative Analyst, American Public Welfare Association, Chicago.
- Hubbard, Henry F., Council of Personnel Administration, Washington, D. C.
- Hubbard, Mrs. Henry F., Washington, D. C.
- Humes, L. D., Secretary and Chief Examiner, St. Petersburg Civil Service Board, Florida.
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- Hunter, Robert L., President, Illinois Civil Service Commission and Chairman of Illinois State Merit System Council, Chicago.
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- Jones, Colonel Harry C., State Employment Commissioner, Baltimore, Maryland.
- Jones, Howard, Commissioner, New York State Civil Service Commission, Albany.
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- Killough, Joseph E., State Personnel Officer, National Youth Administration, Birmingham, Alabama.
- Kirby, Daniel N., Commissioner, St. Louis Civil Service Commission, Missouri.
- Klotz, A. C., President, Milwaukee City Service Commission, Wisconsin.
- Laird, Angus, Merit System Supervisor, Florida State Board of Health, Gainesville.
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- Lee, Mrs. Virginia, Civil Service Board, Jacksonville, Florida.
- Leland, G. V., City Manager, St. Petersburg, Florida.
- Lindsey, O. G., Chairman, Miami Civil Service Board, Florida.
- Lindsey, Mrs. O. G., Miami, Florida.
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- McClam, Warren D., Personnel Technician, Atlanta Civil Service Board, Georgia.
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- Schmidt, Oscar W., Commissioner, Cook County Civil Service Commission, Chicago.
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- Trestman, Israel, Personnel Assistant, Louisiana State Department of Civil Service, Baton Rouge.
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- Wallace, Gill, Deputy Director of Personnel, Tennessee Department of Personnel, Nashville.
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- Warren, Kent, Member, Jacksonville Civil Service Board, Florida.
- Watters, Bruce W., Commissioner, St. Petersburg Civil Service Commission, Florida.
- Watters, Mrs. Bruce W., St. Petersburg, Florida.
- Wilder, Miss Pauline, Jacksonville, Florida.
- Wilson, T. F., Director of Personnel, U. S. Treasury Department, Washington, D. C.
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- Wolfrey, W. T., Chief of Administrative Service Division, Department of Agriculture, Washington, D. C.
- Woodell, Maurice, Chief of Business Management, West Virginia State Department of Public Assistance, Charleston.
- Worke, R. H., Jr., Clerk, Nashville Civil Service and Pension Board, Tennessee.
- Young, E. B., Personnel Officer, U. S. Bureau of the Budget, Washington, D. C.

COURT DECISIONS

EDITED BY H. ELIOT KAPLAN

CONFLICT OF STATE AND LOCAL LAWS— LEGISLATIVE INTENT

THE question of whether a city charter civil service provision is superior to a conflicting civil service statute is usually resolved by resort to familiar principles of statutory construction. It must be borne in mind that a city charter is, after all, merely another type of state statute, distinguishable from general laws in that it applies to one particular municipality. But in the absence of state constitutional limitations, such as home rule provisions, the state legislature may always alter civil service provisions contained in a city charter. Whether the state has in fact altered such a provision can be determined only by a careful reading of the charter provision and the subsequent statute claimed to effect the change of the charter provision. In *Ebbert v. Tucker*, 15 S. E. (2d) 583 (W. Va.), a city charter provision provided for the adoption of a city civil service ordinance applicable to the fire and police departments of the city, and to be administered by one local civil service commission. It was contended that the local ordinance passed pursuant to this charter provision was ineffective because of conflict with other specified state statutes. Distinctions were made, as follows:

1. Subsequent to the enactment of the charter provision, the state legislature passed a general civil service statute applicable to city police departments. The general statute was inconsistent with the terms of the charter provision. The court found a clear legislative intention to repeal the charter provision relating to the police department, since the subsequently enacted general statute specifically

provided for the repeal of prior inconsistent acts. Thus, the court ruled that city police department employees were governed by the general civil service statute, and not the charter provision.

2. With respect to city firemen, the charter provision providing for a local civil service commission was found to conflict with a prior general state civil service law. But here the court deemed the charter provision to be operative, since it was the latest expression of the legislative will.

(*Editor's Note:* The court did not hold that a city ordinance always prevails over an inconsistent statute. The ordinance here was passed pursuant to a city charter provision, which was, of course, of equal weight with other state statutes. Thus, it was the subsequently enacted charter provision which was held to prevail over the prior, inconsistent civil service statute.)

SCOPE OF ADMINISTRATIVE REGULATIONS

IT IS an established principle that administrative rules and regulations must at all times conform to constitutional and statutory mandates. In *Sokolove v. Board of Education of the City of New York*, 29, N. Y. Supp. (2d) 581 (Sup. Ct., Sp. Term) an action to compel the New York City Board of Education to appoint petitioners as teachers of home economics in the city high schools was defended by resort to a Board regulation allowing teachers holding other licenses, and who are competent to teach home economics, to be assigned to teach that subject up to fifty per cent of their time. The court deemed the regulation to be a violation of constitutional and statutory civil service provisions. The regulation ignored the requirement of Section 872, Subdivision 5, of the New York State Education Law, which

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specifies that appointment of eligibles to vacancies shall be made only from among persons holding licenses in the position to be filled. The court also viewed the regulation as violating the state constitutional provision that civil service appointments shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examinations.

EMPLOYMENT OF CONVICTED FELONS— EFFECT OF PARDON

THE Iowa civil service statute prohibits the employment of any person convicted of a felony. In *Slater v. Olson*, N. W. 879 (Iowa), the plaintiff's application for a civil service examination was rejected by the Civil Service Commission of the City of Des Moines for the reason that he had been convicted of the crime of stealing an automobile—a felony. The plaintiff sought to review the action of the Commission, pointing out that he had been given a full pardon by the governor, and argued that the effect of the civil service provision is to encroach upon the exclusive constitutional power to pardon lodged in the governor. The court agreed that to interpret the civil service statute as applying to "one who has received a full pardon would render it unconstitutional. . . ." The court pointed out that the pardoning power is, by the state constitution, vested "exclusively in the governor, and, because of the division of the powers of government by . . . the Constitution, neither the judiciary nor the legislature may interfere with or encroach upon this constitutional power lodged in the chief executive of the state." A pardon, stated the court, involves more than a mere relief from a prison term. A pardon also "exempts . . . from additional penalties and legal consequences in the form of disqualifications or disabilities based on his conviction. Undoubtedly the legislature may prescribe qualifications for office but the power must be exercised subject to the right of the pardoned man to be exempt from additional disabilities imposed because of the conviction."

CORRECTION OF ERRORS IN RATING EXAMINATIONS

ON THE basis of *State ex rel. Dunn v. Elliott*, 6 Wash. (2d) 426, 107 Pac. (2d) 915, the Washington Supreme Court has again affirmed the right of a municipal civil service commission to correct errors in grading ex-

amination papers even after the identity of the applicants has become known. (*State ex rel. Haley v. Elliott*, 117 Pac. [2d] 197 [Wash.].) As indicated in the *Dunn* case, the Seattle city civil service rules specifically recognize the right of the commission to correct errors, and "it is equally clear . . . that the rule contemplates that corrections in grading may be made after identification." (107 Pac. [2d] 919).

The petitioner, Haley, a competitor for the position of city police sergeant, made the further complaint that the commission allowed six applicants to take firearm tests from two to four weeks after the others had taken it, "at least three of the six ultimately receiving higher grades than the appellant." These favored individuals, the petitioner claimed, were in a position "to find out in advance what types of targets would be used and what the distances would be. They had time to practice. They did not have to shoot under the same competitive conditions as the other contestants." The court held that the record did not show clearly that the grant of additional time to certain contestants made any material difference, for "the entire record indicates that the civil service commissioners acted in good faith, for what they considered sufficient reason. The appellant has failed to show that their conduct of the shooting tests was arbitrary or capricious."

CERTIFICATION PROCEDURE

A Pennsylvania civil service statute provides: "Wherever any vacancy shall occur in any civil service position in (the) city, the city council shall make written application to the president of the proper board, who shall forthwith certify to the city council, in writing, the four names on the list of applicants for such position having the highest percentage." One of such four is to be nominated by the director of the department in which the appointment is to be made, and the nomination is to be approved by the city council. In the case of *Detoro v. City of Pittston*, 21 Atl. (2d) 114 (Pa.), the procedure of the city civil service board in submitting a certified list of nine names to the city council to fill five vacancies, was held proper, and in substantial compliance with the statute. The court was impressed with the fact that the five appointees (to the position of policeman) were the first five on the eligible list established

by the civil service board. The court said: "If a series of certifications in separate groups of four had been made preliminary to the nomination and appointment of one eligible person for each vacancy, it is possible that the sixth, seventh, eighth or ninth person on the list might have received the nomination and appointment." Thus, the court ruled that a city policeman, who had been appointed in the manner described above, acquired permanent civil service status, and could be removed only after charges followed by a hearing as required by the law.

EXPIRATION OF ELIGIBLE LIST

THE charter of the city of Los Angeles provides that "names of candidates on the register of eligibles for promotion shall be stricken therefrom after they shall have remained thereon two years without re-examination." In *Clementine v. Bd. of Civil Service Commissioners*, 117 Pac. (2d) 369 (Cal. Dist. Ct. of App.), it was held that a writ of mandamus would not issue to compel a certification from an eligible list, where the two year period had already run at the time the court was presented with the question on appeal. The argument that the time limit provided in the charter should be suspended pending an appeal, on the ground "that as a practical matter an eligible list will expire before a final determination of the dispute upon appeal," was held without merit. It is a matter of common knowledge, stated the court, "that the appellate courts of this state have, on proper application and adequate showing, advanced for hearing and immediately determined any case where such disposition was necessary in order to preserve the rights of parties litigant."

(Editor's Note: See, however, *Matter of Krause v. Singstad*, 275 N. Y. 302, where the parties had stipulated that certain petitioners' rights should be preserved pending appeal.)

PROBATIONARY APPOINTMENTS BY ADMINISTRATIVE REGULATION

THE right of a city civil service board to formulate rules providing for probationary periods of appointment was upheld in *State ex rel. Sharp v. Lee*, 3 So. (2d) 372 (Fla.). The civil service provision of the city charter authorized the civil service board to adopt rules

providing for appointment and employment in all positions in the classified service based on merit, efficiency, character and industry. The charter provision was held to authorize the rule providing for probationary appointments. The court upheld the demotion of a civil service fireman prior to the expiration of his probationary period of employment. "The delegation by the Legislature of power to formulate, promulgate and adopt a code of rules and regulations on the part of the administrative officers and boards is well settled in Florida," stated the court, "and is sustained by several decisions of this Court, as well as by many other jurisdictions."

VALIDITY OF EMERGENCY APPOINTMENTS

A RULE of the municipal civil service commission of the city of Columbus, Ohio, authorizes temporary emergency appointments, without compliance with regular civil service provisions "during the period of emergency, but in no such case for a period exceeding thirty (30) calendar days." A city ordinance authorized the emergency appointment of a Special Investigator, who was to serve "during the pleasure of the city council." However, after the Special Investigator appointed pursuant to this ordinance had served for a thirty day period, the city council repealed the ordinance, thus terminating the employment. In *State ex rel. Holloway v. Rhodes*, 35 N. E. (2d) 987 (Ohio), the court ruled that the employee had been validly appointed for a thirty day emergency period, pursuant to the commission rule, so that he was entitled to his salary for that period. While it would have been more appropriate to have stated in the first ordinance that the appointment was only for thirty days, "rather than providing that the service should be at the pleasure of Council, yet we think it is proper to say that the employment was temporary and for a period of thirty days."

(Editor's Note: An interesting sidelight of the decision is the court's recognition of the fact that even a city legislative provision must in some cases comply with an administrative rule. This is undoubtedly because the rule was passed pursuant to state statute, and therefore is deemed to have the force and effect of a statute. Thus, it is superior to a local ordinance.)

SENIORITY CREDIT IN PROMOTIONAL EXAMINATIONS

IN THE case *Russell v. Kern*, 29 N. Y. Supp. (2d) 572 (Sup. Ct., Sp. Term), the refusal of the New York City civil service commission to rate the service records and seniority of those candidates who did not pass the written part of a promotion examination was held reasonable and proper. Section 16 of the New York State Civil Service Law provides that "promotion shall be based . . . upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority." This provision however, must be read in connection with the state constitutional requirement that appointments and promotions are to be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination. The court held that "if, as petitioners contend, persons who failed to obtain a passing mark on the written competitive examination, may nevertheless attain places on the eligible list for promotion by reason of the ratings obtained by them for record, seniority, training and experience, promotion may often be achieved merely by reason of the passage of time and the acquirement of a good seniority rating. Manifestly inferior candidates may obtain promotion on the basis solely of a good seniority rating." The court distinguished the case of *Sweeny v. Kern*, 262 App. Div. 828, 28 N. Y. Supp. (2d) 763, in that in the *Sweeny* case "the passing mark had been fixed as that of the twentieth highest candidate taking the competitive examination, instead of being fixed at an absolute percentage."

LACHES IN ASSERTING RIGHTS

AN ORDINANCE of the City of Orange, New Jersey, required appointments to the office of patrolman to be made from the city body of "chancemen." In *Albert v. Caldwell*, 21 Atl. (2d) 782 (N. J.), the court ruled that no legal injury resulted until actual appointment had been made of a patrolman who had not been a chanceman. Thus, any question of laches on the part of chancemen who were entitled to civil service appointments is to be determined from the time of actual appointment of those who had not been chancemen, and not from the time the civil service examination was held. "For as we view the

matter," stated the court, "no legal wrong was done to the chancemen by examining others with them, or indeed until the ordinance was violated by the actual appointment of an outside candidate not a chanceman, where there were chancemen eligibles who had passed the examination."

STATUS OF INCUMBENT TRANSFERRED FROM EXEMPT TO COMPETITIVE CLASS

THREE specific civil service problems were considered in a recent decision by the New York Supreme Court, *Rohr v. Kenngott*, 29 N. Y. Supp. (2d) 988 (Sup. Ct., Erie Co., April 29, 1941), aff'd 29 N. Y. Supp. (2d) 992 (July 2, 1941). The three points were as follows:

1. *Scope of the state civil service.*

A cashier in the Mortgage Tax Bureau of the Erie County Clerk's office was held to be within the civil service of the state, despite the fact that he was paid by the county clerk out of mortgage tax moneys collected by the county clerk. Section 2 of the New York state civil service law defines the civil service of the state as including all offices and positions of trust or employment in the service of the state except such offices and positions in the militia. "Petitioner was certainly doing work ordered by the state and paid for out of public moneys," the court held. "The fact that he was paid by the County Clerk or appointed or removed by him did not take his position out of the state civil service."

2. *"Covering-in" upon transfer of position to competitive class.*

The fact that the cashier did not pass a competitive examination when originally appointed, since the position was then in the exempt class, does not deprive him of competitive status privileges upon the subsequent transfer of the position to the competitive class, stated the court:

If one be legally appointed to a position where it is deemed impracticable to hold an examination to determine fitness, and thereafter it is decided that such an examination would be practicable, and the position is placed in the competitive class, the original appointee's continuation to hold that position is not violative of the constitution because that continuation is not an appointment or promotion. [The state constitution requiring competitive examinations, where practicable, applied to "appointments and promotions."] The petitioner was legally appointed and continued to be entitled to the protection of the law after the reclassification of his position.

3. Dismissals of exempted cashiers.

Nevertheless, the court upheld the summary dismissal of the petitioner, for Section 22 of the New York state civil service law, prohibiting removals without notice of reasons therefor and opportunity to the employee to answer, expressly does not apply to the position of "cashier . . . of any official or department," so that the petitioner cannot seek the protection of this section. (The section excepts from its provisions deputies, private secretaries and cashiers.) Section 25 of the civil service law prohibits dismissals of any employee in the classified service because of political opinions or affiliations, and petitioner claimed he was removed for political reasons. However, earlier court decisions have held that this section has no application to employees in the exempt or non-competitive classes. The court therefore argued by analogy that cashiers were also not intended to be included within the protection of Section 25.

(Editor's Note: See *Byrnes v. Windels*, 193 N. E. 248 [N. Y.]; *Sommerville v. Williams*, 111 N. E. 252 [N. Y.].)

ABOLITION OF POSITION OCCUPIED BY VETERAN

THE District Attorney's office of New York County employed sixty civil service process servers. Twelve of these positions had been placed in the exempt class by the Civil Service Commission, and the remaining forty-eight positions were in the competitive class. In a re-organization of the District Attorney's office, the twelve exempt positions, and twenty-three of the positions in the competitive class, were abolished. At the same time other new positions of messengers, investigators, etc. were created, which were placed in the non-competitive class. Five of the dismissed process servers were honorably discharged war veterans, and brought action to compel their reinstatement, or appointment to the newly created positions, "taking the place of the positions heretofore held by your petitioners. . . ." (*Meenagh v. Dewey*, 286 N. Y. 292, 36 N. E. [2d] 211 [July 29, 1941].)

Section 22 of the New York Civil Service Law grants special rights to honorably discharged soldiers: "If the position . . . held by any such honorably discharged soldier . . . shall become unnecessary or be abolished for

reasons of economy or otherwise, the said honorably discharged soldier . . . shall not be discharged from the public service but shall be transferred to any branch of the (civil) service for duty in such position *as he may be fitted to fill*." The petitioners argued that, although, they had been appointed as process servers, they had been for a considerable length of time performing work far beyond and unrelated to the title of their positions. The petitioners argued further that since this work was within the province of the new positions created in the District Attorney's office, and they had demonstrated their fitness for the new positions, they had the statutory right to be appointed to such positions.

The court rejected the argument. The state constitution requires appointments to be made according to merit and fitness, and the civil service law must always be read in connection with this provision. Thus, an honorably discharged soldier "is not entitled to transfer or appointment to such a position ('as he may be fitted to fill') *unless, in manner authorized by the Constitution*, he has shown his fitness to fill the position." Evidence that the petitioners had been performing out-of-title duties is not evidence that they were actually fitted to perform those duties in accord with the constitutional requirement. "No person can be said to be fitted to fill a position who has not previously been appointed in manner permitted by the Constitution to a position which would permit him lawfully to perform the duties which he might be called upon to perform in the new position," the court held. "Thus an honorably discharged soldier, appointed to a position under the title of process server, regardless of whether such position was in the exempt or in the competitive class, has no right to be transferred to a new position which involves duties different from those appropriate to the title of process served which the honorably discharged soldier could lawfully perform under his original appointment."

The court ordered a new trial to decide "whether the petitioners . . . by evidence that they have satisfactorily performed, duties appropriate to the position of process server to which they have been appointed, have shown fitness to fill any vacant positions in the competitive class. . . . Even such evidence would not show fitness for positions classified in the

non-competitive or exempt class because it is not practicable to determine the necessary qualifications for such position by objective tests."

(Editor's Note: See *McNamara v. Holling*, 282 N. Y. 109, 25, N. E. (2d) 867, reviewed in July, 1940, issue of Public Personnel Review, page 52, for right of transfer to similar positions as provided by Sec. 22 of New York Civil Service Law.)

LAY-OFFS—PROCEDURAL REQUIREMENTS

THE act of a city chief of police in sending notice to civil service policewomen informing them that their services were terminated because of inadequate budget provisions was held ineffective to accomplish a valid dismissal in *Childress v. Peterson*, 117 Pac. (2d) 336 (Cal.). No action of the city council had been taken to abolish the positions. This was one of the methods prescribed by the city charter. "Conceding that the council could have brought about a dismissal by either general or special appropriation eliminations, coupled with an intent on the part of a majority of the councilmen to dispense with plaintiff's services, the evidence shows that such purpose was not accomplished because the appropriation for police salaries had not been made at the time the notices of dismissal were sent, and as later made it was not inadequate," the court stated. "Neither was it exhausted at the time of trial of this cause." The action of the chief of police could not effect a dismissal, since it did not comply with the procedural requirements set forth in the city charter, which provided: "Whenever it becomes necessary to reduce the number of employees in a given class, the appointing authority shall, prior to such impending reduction, notify the Personnel Director of the number of positions in the class to be vacated, indicating the reasons therefor. The Personnel Director shall thereupon furnish the appointing authority the names of the employees in the order such lay off shall be effective."

(Editor's Note: The courts have generally held that positions may be abolished even where appropriations have been made therefor if the department in good faith finds there is no need for continuing the position. The court here construed the specific charter restriction.)

SENIORITY RIGHTS AFTER RESIGNATION AND REINSTATEMENT

THE New York civil service rule that layoffs because of abolition of positions must be made in the inverse order of appointment was held not applicable to a civil service employee who had resigned from the service and was later reinstated; that is, the employee could not use the date of his original appointment to claim seniority over another employee appointed after the petitioner's resignation, and before his reinstatement. "The resignation of the petitioner operates to separate him from service," stated the court, citing Civil Service Law, Section 19. "There is nothing in the petition to indicate the existence of any rule either of the local Municipal Civil Service Commission or of the State Civil Service Commission as to the effect of reinstatement following resignation. In *Matter of Marcus v. Ingersoll*, 266 N. Y. 359, 194 N. E. 855, the Court of Appeals said that reinstatement might have the effect of wiping out the resignation and renewed service might be traced in unbroken line to original appointment. Since then the Appellate Division, Third Department, in *Schwartz v. Brandt*, 261 App. Div. 83, 24 N. Y. S. 2d 885, held that separation from the service caused by resignation cancelled all priorities and rights." *Doering v. Hinriches*, 29 N. Y. Supp. (2d) 832 (Sup. Ct., Special Term).

AUTHORITY OF MAYOR TO REQUEST SUSPENSION

THE action of the Mayor of the City of New York in calling to the attention of the Municipal Civil Service Commission the improper conduct of a civil service employee, and in asking the Commission to suspend the employee pending a hearing and determination of the charges, was held not an usurpation of the Commission's functions, nor a deprivation of the Commission's freedom of action. In *Guinier v. Kern*, 29 N. Y. Supp. (2d) 822 (Sup. Ct., Sp. Term), the court stated:

The Mayor, as the chief executive officer of the City, is authorized by the provisions of the Charter and by every standard of proper official conduct, to keep himself informed of the acts and doings of subordinate officials and their employees. It is his duty, where improprieties and offenses are brought to his attention, to cause them to be investigated and to direct that appropriate action be taken upon them by the proper authorities.

REMOVAL FOR COMMUNIST AFFILIATION

THE Pennsylvania Superior Court, in *Pawell v. Unemployment Compensation Board of Review*, 22 Atl. (2d) 43 (Pa.), recently upheld the dismissal of employees appointed under the civil service section of the state Unemployment Compensation Law, for the reason that the employees had signed a nomination paper of the Communist Party, and had also attempted to conceal that fact. This was held to constitute "delinquency or misconduct in his duties," which is a ground for dismissal under the statute. Commenting on this phase of the problem, the Superior Court stated:

Courts have long recognized and have taken judicial notice that Communism, as a political movement, is dedicated to the overthrow of the government of the United States . . . by force and violence. . . . Recent legislation . . . provides that even where employment is under civil service, an employee who advocates "un-American or subversive doctrines" may be dismissed from service on that ground. Though the legislature has spoken only since the dismissal of appellants and the Act is not applicable here, we are not prepared to say that the power to dismiss Communists from public service must rest upon legislative grant. In every employment there are implied covenants and conditions in addition to those specifically appearing in the contract . . . it hardly can be said that an employee who is awaiting the occasion to destroy his employer's business or burn his warehouses has not violated his implied covenant of reasonable loyalty. . . .

In answer to the claim that the purpose of civil service legislation is to remove political affiliations as a cause for dismissal, the court stated that this "refers to politics in its narrow application to groups with legitimate aims and not to movements political in a broad sense, which advocate destruction of government by violence."

REMOVAL FOR POLITICAL SOLICITATIONS

AN INTERESTING and salutary application of merit system principles is noted in a late opinion of the Pennsylvania Superior Court, *Hawkes v. Unemployment Compensation Board of Review*, 21 Atl. (2d) 485 (Pa.). The Pennsylvania Unemployment Compensation Law provides for a "System of unemployment compensation to be administered by the Department of Labor and Industry . . . with personnel . . . selected on a civil service basis." The statute further provides for summary dismissal of employees "for delinquency or misconduct in his or her duties under this act." The petitioner, appealing from an administrative decision dismissing him from his employ-

ment in the Unemployment Compensation Bureau, had been found guilty of soliciting funds for a political campaign from employees holding subordinate positions. The court, notwithstanding the absence of an express statutory provision forbidding political solicitations, nevertheless held the petitioner's actions to be sufficient evidence of official misconduct to justify a dismissal. The court stated:

We assume that the legislature of 1936, in establishing a system of unemployment compensation with offices all over the state, intended in good faith, to prevent, by the inclusion of Section 208, entitled "Civil Service; selection of personnel" etc., this new branch of the State Government from being used for the creation of a "spoils system," to which appointments would be made as rewards for political activities, with the resulting evils of inefficiency, corruption of the electoral franchise, and political assessments. . . . Freedom from obligation to contribute to any political fund or to render any political service is a principle of civil service laws which necessarily carries with it the corollary that no person in the service has any right to use his official authority or influence to coerce the political action of any person or body.

REINSTATEMENT AFTER CHANGE IN COMMISSIONERSHIP

IN THE *Matter of Rox v. Doherty, et al*, 284 N. Y., an interesting situation is presented, involving dismissal, reinstatement, dismissal and further reinstatement of a detective in the Police Department of Saratoga Springs, New York. The petitioner was suspended from duty by the then Commissioner of Public Safety in August 1939. On November 22 (after the next city election) written charges of neglect of duty were served upon the suspended detective and he was removed on December 6. The Public Safety Commissioner was defeated in the November election and on January 1, 1940, at the beginning of his term, the newly elected Commissioner attempted to reinstate the petitioner as detective. Thereafter the petitioner instituted a proceeding for review of the removal by the former Commissioner seeking to annul the dismissal. A proceeding was brought against the newly elected Commissioner and the ex-Commissioner was joined as a party defendant because the ex-Commissioner had "wrongfully removed him." No affirmative relief was asked against the former Commissioner. The new Commissioner did not appeal, but the ex-Commissioner appealed from the lower court's order commanding reinstatement of the petitioner. Passing on the right of the former

Commissioner to maintain such appeal the court stated:

Former Commissioner Doherty has now appealed to this court. Since the appellant was no longer an officer of the city when application was made by the petitioner for an order reviewing his dismissal by the appellant and since by that order the appellant was not directed to perform any act and since no costs have been imposed by that order against him, he had no legal interest in maintaining the order made at Special Term and he was not an aggrieved party with right to appeal to the Appellate Division. True, there was finding against him that his order of dismissal, though perhaps based on good motives, was arbitrary and not the 'result of an honest and just consideration of both the charges and the answer,' but the appellant urges more strenuously that his determination may not be reversed on such a ground, citing *People ex rel. Kennedy v. Brady* (166 N.Y. 44) than that the finding is not based upon sufficient evidence. The rule has long been established that a board or officer whose determination is subject to judicial review 'can neither appeal from an order of the court reversing the proceedings nor be heard on appeal.' (*People ex rel. Breslin v. Lawrence*, 197 N.Y. 607; *People ex rel. Burnham v. Jones*, 110 N.Y. 509.) (*People ex rel. Steward v. Railroad Commissioner*, 160 N.Y. 202.) Even where an officer is properly made a party to such proceedings while still in office, an appeal taken in his name after he has ceased to hold office and without authorization from his successor must be dismissed. (*People ex rel. Walker v. Ahern*, 200 N.Y. 146.)

We are asked to distinguish these decisions on the ground that, since they were rendered, the Legislature, by chapter 526 of the Laws of 1937, has enacted section 1290 of article 78 of the Civil Practice Act, which provides that 'whenever necessary to accomplish substantial justice a proceeding under this article may be maintained against an officer whose term of office has expired.' Even before new article 78 was enacted by the Legislature, the appellant, under the provisions of old section 1292 of the Civil Practice Act, would have been a proper party to a proceeding for the review of his determination even though he no longer held office, and section 1290 has made no change there. Such a former officer does not, however, act as a representative of the public and is not authorized to represent the interests of the public. That duty has developed upon those who now hold office and even in a case where there might be room for the argument that the interests of the public would be served by an appeal, the appellant may not

perform the duties which have devolved upon them. He had no right to appeal either to the Appellate Division or to this court.

LEGAL NOTES

IN *Allen v. McKinley*, 117 Pac. (2d) 342 (Cal.), the court affirmed the decision of the lower court, *Allen v. McKinley*, 109 Pac. (2d) 429 (Cal. Dist. Ct. App.) and adopted the lower court opinion.

In *Rhodehamel v. Civil Service Board of City of Oakland*, 117 Pac. (2d) 349 (Cal., Oct. 3, 1941), the court affirmed the decision of the lower court, *Rhodehamel v. Civil Service Board of City of Oakland*, 109 Pac. (2d) 436 (Cal. Dist. Ct. App. Jan. 22, 1941), on the opinion of the lower court.

(Editor's Note: Both of the opinions in the above cases are noted in 2 Public Personnel Review 240-241, July, 1941.)

A certification of a city patrolman could not be revoked in the absence of proof that the appointment was procured through such fraud as to make the appointment illegal *ab initio*. *Marinick v. Valentine*, 30 N. Y. Supp. (2d) 15 (Sup. Ct., Sp. Term).

A *per curiam* opinion in *O'Brien v. City of Rome*, 29 N. Y. Supp. (2d) 456 (App. Div.), affirms the settled principle that "a person who accepts an appointment to a civil service position in a municipality has no vested right which entitles him to maintain an action for breach of contract against the city upon a reduction properly made in his salary."

(Editor's Note: See *Matter of Thoma v. City of New York*, 187 N.E. 470, for the general rule in New York.)

BOOK REVIEWS

Position-Classification in the Public Service. A report submitted to the Civil Service Assembly of the United States and Canada by the Committee on Position-Classification and Pay Plans in the Public Service. Ismar Baruch, Chairman. Civil Service Assembly. Chicago. 1941. xx, 404p. \$4.50.

There is available at last, on general sale, a printed book devoted to position-classification. In their day, the early mimeographed manuals served their intended purpose—limited circulation among the then-few practitioners. Now, however, the ever-widening use of position-classification as a tool of personnel administration calls for a durable exposition of its philosophy, principles, and methods. Happily, this has been accomplished by a committee under the chairmanship of Mr. Baruch with the result that the lucid style and clear organization of ideas characteristic of his earlier writings have been preserved. However, it should be emphasized that the book is the product of a committee chosen from among the most reputable names in public personnel administration. A remarkable job of editing has blended any divergence which may have existed among members of the committee, so that the reader's impression is not only that of harmonious style and expression, but unity of ideas as well.

Pleasing to the academic reviewer is the copious documentation, especially when contrasted with the practitioner's normal aversion to footnotes. A decided impression is created that a very earnest attempt has been made to cover existing pertinent literature. The frequency of citations from the writings of industrial management would seem to indicate that public and private personnel administration have more in common than may have been supposed.

The present volume deals with pay and compensation only indirectly, that subject being left to a separate report now being prepared by the same committee. This is in line with the professional personnel credo that position-classification and salary-standardization should not be confused; that compensation is only one of several personnel matters facilitated by classification. One must admit strong logic in this thesis and agree that it tends to place classification in the stronger perspective which it deserves; yet realism can hardly evade the conclusion that classification means pay to most people not in the personnel field. To one whose contact has been as a civil service commissioner and lay student, the effort at strict and formal separation at times seems strained.

The mechanics of classification are set forth in some detail. Indeed, the work can, and undoubtedly will be, widely used as a manual for those working in the field. It should prove especially timely in training the hundreds of personnel people needed currently by the civilian defense agencies. In addition to the ways and means of putting positions into proper categories, there is sound advice on how to administer and operate a classification survey. Especially appropriate are the observations relative to human relations—how to get people into their proper "pigeon-holes" with a maximum of accuracy and a minimum of anguish.

One sometimes feels that this public relations factor is not faced by the average administrator as squarely and courageously as its importance merits, for most over-all classification surveys create an apprehensiveness among employees which they refer to vernacularly as the "jitters." If the proposals are ultimately tied up to a pay plan which must be adopted by the legislative body, employees will fre-

quently exert pressure to prevent its adoption, thus perpetuating the bad personnel practices which it was hoped to correct.

The easy way to rationalize this outcome is to blame the reactionary obtuseness of the employee groups; but the hard and correct path is the democratic one of conference, deliberation and training. The legislative body will ordinarily adopt any reasonable proposals which have strong employee support. That is why classification technicians should be trained in public relations, for they are the ones who normally carry on the personnel department's contacts with line officers and employees. Major personnel purposes will seldom be achieved if the "control" concept sets the mental cast for the central personnel staff. Control there must be, but it is best achieved when the other fellow does not recognize it as such.

In dealing with that vexed question of what to do with the employee working out of his proper class, the desirable solution suggested is to requalify him administratively if the law permits. Such action must, of course, be based upon a history of having performed the duties over a period of time sufficiently long to merit such action; and it must be surrounded by procedural safeguards against abuse. One of the surest ways to wreck a splendid classification scheme is to require incumbents to qualify by competitive tests or by noncompetitive tests which they fear to be punitive.

The report recommends that amendments to the classification plan be made by administrative action rather than legislative action—an absolutely sound proposal as far as it goes. However, this is the point at which the practical weakness of the ideological separation of classification and compensation is revealed. If every individual pay change has to go before the legislative body, the classification process may be embarrassed; and such a situation exists widely in local government. The only remedy is some device whereby the legislature can retain democratic budgetary control without tampering with the pay of individuals or individual classes.

Teachers of political science should be urged to read the section on British classification. The text books of a generation ago led American students to believe that the British civil service was divided into three or four broad classes, such as administrative, executive, and

clerical; and that this was inherently good, whereas our system was inherently bad. Now we learn that the British service has the hundreds of specialized classes similar to ours, and that the so-called "Treasury classes," hitherto referred to as representing the British civil service, constitute a relatively small portion of it. It is time that American students lose their inferiority complex relative to American administration when contrasted to British. In recent years we have made tremendous strides, some of which may effectively challenge British usage and achievement.

Lacking competence to render the craftsman's judgment on the technical aspects of classification, this reviewer can nevertheless praise the committee's report with considerable confidence. It blends sound philosophy with mechanics, emphasizing the progressive management aspects, always placing techniques in their larger environmental setting. The writing is polished and reading is easy, especially in view of a subject matter which can hardly be called popular. Above all, a book written by and for practitioners has utilized the methods and devices of sound scholarship to the benefit of each.

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Measurements of Human Behavior. Edward B. Greene. Odyssey Press. New York. 1941. 777p. \$3.50.

This is a good, solid elementary text on testing. The slant is toward educational and psychological measurement. Of the approximately 700 titles listed in the 29 page bibliography, not one deals directly with the public personnel situation; not one flows from study of civil service data.

There is, however, much in the book to interest the public personnel technician and administrator. Mr. Greene, who is Assistant Professor of Psychology at the University of Michigan, has covered the psychological and educational test literature quite thoroughly and has presented a rather comprehensive treatment of materials many of which have considerable suggestive value in civil service examining.

The book is divided into three parts. The first, dealing with basic considerations in measurement, surveys the various types of test

methods which are in use and sketches the relevant statistical and conceptual fundamentals in examinations. The second part, concerned with "instruments and results," describes a number of tests and scales and indicates applications which have been made of these devices. The third part, "persistent problems," summarizes the evidence on the effects of practice on test scores, the measurement of growth and senescence, the use of the standard deviation in scaling scores, the evaluation of judgments, and the determination of the relative influence of environment and heredity in the development of individuals.

Designed for use in mental test courses in psychology or education departments, the text demands a good deal of insight on the part of the reader for the purpose of rejecting outright applications to public personnel of some of the basic principles of psychological and educational testing and of modifying others substantially to fit them into the civil service examination framework.

For example, there are grave dangers in the easy procedure of taking standardized tests and incorporating them into a public service selection battery. It is questionable, also, whether research evidence yielded by analysis of special groups such as students is immediately helpful in the solution of civil service test problems. Major, perhaps, among the other difficulties of accepting wholeheartedly this type of book as a guide to public personnel examining is the fact that desirable public relations are a prime factor in the establishment of effective procedures for the civil service agency.

But, judiciously read, the book offers a good deal of potential assistance to the public personnel worker. Illustrative is the arresting report cited in the chapter on practice effects on test performance indicating "that the average person at the end of the training was surpassing the best person's scores at the beginning of training." Generalization to the relation between civil service test ratings and cram school preparation or provisional employment is not warranted by the experimental conditions of the study; yet, the conclusion, in general line with other investigations, is one which ought to disturb agencies fond of using readily practiced items, e.g., completing numerical series like: 1 3 5 — —.

To the experienced technician, the book may be a bit irritatingly academic. On the

other hand, the public personnel literature is almost barren of technical test research studies so that, perforce, the technician must resort for comprehensive treatments of examinations to texts peripheral to his own field. This book is one of the better texts available to the civil service examiner.

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Labour Supply and National Defence. Studies and Reports, Series C (Employment and Unemployment) No. 23. International Labour Office, 3480 University Street, Montreal, Canada. (U. S.: 734 Jackson Place, Washington, D. C.) 1941. 245p. \$1.00.

In *Mein Kampf*, Adolph Hitler condemned the Republican government of Germany for its public servants in whom "Party regularity has come to take the place of ability and aptitude, and a self-reliant, independent character is a hindrance rather than a help," and points out that part of the strength of the old imperial Germany was to be found in its "incomparable body of civil servants." In words which seem strange coming from such an author, he writes, "For in the long run, government systems are maintained not by pressure or force, but by faith in their goodness and in the truthfulness with which they uphold and promote the interests of a people."

Labour Supply and National Defence points up rather effectively Mr. Hitler's words. It develops the great need for efficient operation of a government during times of peace as well as war. It underscores the importance of a positive collaboration of the public, the employer, the worker and the government in order that economic organization may be directed towards "meeting the needs and securing the welfare of the common man." Pierre Waelbroeck, Chief of the Employment and Labour Conditions Section, International Labour Office, who prepared the book, compares the methods used in Germany and Japan with those of other major world powers in solving the problems of labor supply that are raised by the rapid execution of vast national defense programs and describes policies referring directly to the regulation, distribution, and mobilization of labor supply.

The problems discussed in this book are divided into four groups: "In the first place, it

is essential to determine an optimum allocation of man-power between industry and the armed forces in order to prevent the expansion of the latter from depriving the economic system of indispensable labour, and, in particular from paralysing the production of armaments. Secondly, workers who are engaged in essential industries must be prevented from migrating to non-essential industries or from being attracted unsystematically from one undertaking to another owing to competition for their services among employers in essential industries. Thirdly, additional workers needed by munitions industries must be prepared by training or retraining for employments in these industries. Lastly, with the expansion of the means of production for defence, all available labour reserves in every sector of the population of the country must be mobilised to make maximum production possible: unemployed workers, workers whose skills are not fully utilised in their present jobs, workers employed in non-essential industries which could or should be curtailed, persons not ordinarily in the employment market, and foreign workers."

Personnel administrators and others will find useful material relating to methods of overcoming labor shortages under the major headings of (I) Allocation of man-power between the armed forces and industry, (II) The control of employment, (III) The vocational adaptation of labour supply, (IV) The mobilisation of labour resources, (V) Information—inventory of labour supply and requirements, and (VI) Organisation—administrative and special machinery for cooperation with employers and workers.

Mr. Waelbroeck warns policy and law makers against placing restrictions on the right to hire employees unless an efficient personnel or employment agency is established which can supply applicants. An inefficient personnel service which is unable to meet the legitimate needs of an employer, if it insists upon its prerogatives, will soon be accused of being arbitrary. "On the other hand, if it gives way to . . . moral pressure and relaxes its control, the whole procedure of obtaining official consent in advance may turn into a useless and cumbersome formality."

Other pertinent bits from this book are significant:

Experience both during the last war and during the present war has made it clear that over-

long hours almost inevitably lead in the final analysis to results which are contrary to those anticipated.

Recent studies of the structure of unemployment have shown that as a rule the proportion of unemployed is smaller among skilled workers than among other groups.

If employers are to give, and if workers are to ask for training programs in ample time to meet emergency needs, it is essential above all to convince them of the need for it.

The greater the skill of a worker, the longer his experience, and the higher his age, the more the worker will resist a change of occupation.

The workers' attitude toward labor supply policies will be more favorable if the actual measures have been prepared by the unions or with their direct help. Even in countries which forbid free organizations of workers, it is necessary to take into account the wishes of individuals.

Most countries have provided some guarantee of future reinstatement in civilian life to workers called for military service. For the same reasons, measures should be devised to reinstate workers in their previous employment or to provide them with alternative employment on the termination of their service in war industry.

And finally, the preservation of the health of all workers in the nation is probably the most important complement of all labor supply policy.

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Power of Municipalities to Enter Into Labor Union Contracts—A Survey of Law and Experience. Charles S. Rhyne. National Institute of Municipal Law Officers. Washington. 1941. 78p. \$2.00.

One of the most interesting and important current problems in the field of public law has to do with the relationship of government to organized labor unions seeking to enter the governmental field. The National Institute of Municipal Law Officers has performed a valuable service in compiling a digest of opinions from various jurisdictions covering the power of municipalities to enter into collective bargaining agreements with labor unions. The material covers primarily the conclusions of

attorneys general and city attorneys in answer to an Institute questionnaire, and official opinions rendered in localities where the question has arisen. Court decisions related to the problem are also included. However, in only one case, an opinion in the Circuit Court of Illinois, has the question been squarely presented.

The conclusion reached by the Institute is that municipalities have no power to sign collective bargaining agreements. The principal reason advanced is that to do so would be an unlawful delegation of power to labor unions to control municipal government, and that it might place in their hands the power to determine the selection, tenure and compensation of employees. It seems clear that agreements of such scope would be held invalid by the courts. However, to your reviewer, it does not necessarily follow that the courts will exclude all contracts between municipalities and employee organizations or labor unions. There is a possible area within which the municipality might contract without delegating its essential powers. As the National Civil Service Reform League's Committee on Government-Labor Relations has pointed out, there are substantial problems related to the administration of employment laws and regulations affecting compensation, hours of work, promotions and discipline, for the solution of which there should be adequate machinery established in the public service. In the development of such machinery it may well be that the employee organizations and labor unions are destined to plan an important role. While the courts will undoubtedly invalidate contracts similar to those entered into between private industry and labor unions, matters related to the administration of employment, it is felt, may well be within the "contractual" power of the municipality. The legal opinions upon which the conclusion of the Institute's report is based, do not preclude negotiations between government and its employees in this area, which might have the practical effect of agreements to be carried out by rule, regulation, declared policy or mutual agreement. Whether we call these procedures "contracts" or not is unimportant except possibly in a technical legal sense.

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Collective Wage Determination. Z. Clark Dickinson. The Ronald Press Company. New York. 1941. 640p. \$5.00.

Professor Dickinson has attempted to cover in 640 pages the field indicated best by his complete title: "Collective Wage Determination—Problems and Principles in Bargaining, Arbitration, and Legislation." On Page 440 we find the following formulation of "the great hope of 'union-management cooperation'":

to work together to protect the *future* as well as the present of the industry, by seeking constantly for efficiency methods which (at each step) best reconcile the interest of labor, employers, and consumers.

Throughout the book we find this same fine objective viewpoint: What is best for labor? For employer? For society? In dealing with these tremendous problems the author finds little time to deal with the mechanics of collective wage determination. Here we have no manual of procedure for conciliators, arbitrators, or impartial chairmen. The machinery of collective action in America, in England, in Australia, in totalitarian regimes, in war and peace, in government and industry, in contract making and contract interpreting—all are well illustrated. You will look in vain, however, for a job analysis of the position of conciliator or arbitrator.

The vital concern of the volume is with the principles which underlie the solution of employer-employee differences. What are these principles? What do employers and labor unions and politicians think they are? How do present attitudes differ from those of the past and the future, and what lessons can history supply for our present needs? After careful, laborious research the findings are presented in scholarly but by no means pedantic fashion. The purist is defied with innumerable "and/ors"; scientific management is found to have been "domesticated" early by the General Electric Company; "oldest mechanical trade unions still see in most branches of personnel administration the horns of the devil of Taylor's scientific management," and so on. This picturesque language is used to express courageous convictions, never to conceal their absence. On certain issues the reader is given the opposing arguments and a confession of lack of investigation which precludes judgment.

Twenty-one chapters are set within a five-part framework. "The Survey of the Field" is fol-

lowed by "Factors Commonly Invoked in Collective Wage Adjustment," where we learn (p. 110) that "The practical result of eliminating entirely voluntary purchase and sale of labor would be intolerable regimentation under governmental authorities." "Wages and Industrial Fluctuations" include seasonal change, technological unemployment, and a highly realistic and optimistic review of business cycles. In Parts Four and Five we find contrasted private collective bargaining and the social and industrial consequences of public legislation in labor relations. Again we are reminded of the significance of the phrase, "political economy." We note that wage controls lead to price fixing, though not necessarily in the direct and calamitous way pictured by some enemies of wage and hour legislation.

Now and again we have a glimpse of Utopia under laissez-faire, only to be rudely reminded that "because we have seen that legal wage regulation is a world-wide response to modern industrial and social conditions, we need not consider laissez-faire as a *practical* alternative."

With a whole world at war may we not question this easy mode of dismissing non-governmental solutions of wage rates and other economic problems? Isn't competition of men for jobs a first essential of a wage dispute or of an international dispute? And do not men compete for jobs under employers because they are shut off (through privileges granted to a minority by legislation) from the resources of an inestimably rich planet? We can admit the soundness of the author's treatment of collective wage determination under present conditions without dismissing as an impractical alternative an economic solution that would abolish the "impractical" privileges which underlie a good deal of industrial and international unrest.

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Los Angeles City Schools

BOOK NOTES

Personnel Management. Third Edition. Walter Dill Scott, Robert C. Clothier, Stanley B. Mathewson, and William R. Spriegel. McGraw-Hill Book Company, Inc. New York and London. 1941. 589p. \$4.00.

The shifting emphasis in industrial relations and the emergence of new techniques in per-

sonnel administration within the last ten years makes a complete revision of this standard text extremely timely. This third edition presents a comprehensive outline of up-to-date principles, practices, and instruments in the important relationships of management, work, and workers. The revision includes a discussion of modern personnel practices and procedures, supported by a detailed survey of 231 companies employing more than 1,750,000 workers. Comparisons on a percentage basis between the personnel practices of these companies in 1930 and 1940 are set forth graphically in the appendix. While designed primarily for use in private industry, the book contains a considerable amount of material that should be of interest to those in the public personnel field.

How to Interview. Third Revised Edition. Walter Van Dyke Bingham and Bruce Victor Moore. Harper and Brothers. New York. 1941. 263p. \$3.00.

In the third revised edition, the authors have expanded and augmented many sections of this standard work. In the light of increased research activity in the field, findings have been included which serve to make the book more practically informative than either of the other editions. Sections on oral examining in civil service agencies have been added, with adequate statement of the problems confronting examiners and suggested procedures for solutions. A chapter devoted to public opinion polls and commercial surveys clearly illustrates the importance of skill in interviewing techniques and helps lead to the over-all conclusion that the interview has become indispensable in those areas of business and social contacts in which human relations are uppermost.

Explorations in Citizenship. Proceedings of the Citizens' Conference on Government Management. Edited by A. D. H. Kaplan, University of Denver, Denver, Colorado. 1941. \$3.00.

From June 17 to June 22, 1940, the Citizens' Conference on Government Management met at Estes Park, Colorado, for a presentation of papers and a general discussion of governmental problems. This report of the meeting includes papers under the general topics of

Measuring the Quality of Government, Conserving the Credit of Our Local Government, Balancing the State and Local Tax Structure, The Function of Citizens' Groups in Self-Government, the Administration of Public Relief, How Shall Business Be Taxed, and Personnel Standards in Civil Service. The meeting on personnel standards was divided into two subjects: the functions of civil service commissions, and the essentials of a workable merit system.

Social Norms and the Behavior of College Students. J. Edward Todd. Teachers College, Columbia University. New York. 1941. 190p. \$2.10.

Published as another in the series of Teachers College's "Contributions to Education," this study attempts to determine some of the relationships of social norms to student behavior in order to recommend definite procedures to improve higher education. It explores the pattern of American culture in respect to economic, political, theoretical, social, religious, and aesthetic values—and finds that these values rank in the order given. An interesting array of illustrative cases is presented tracing the high school and college careers of persons in which one of these values is dominant. Finally, the implications of the results of the study are stated and analyzed in terms of college curricula, admission policies, selection of faculty, and the over-all control and direction of the institution.

Addresses on Industrial Relations. Bulletin No. 13. Bureau of Industrial Relations. University of Michigan Press. Ann Arbor, Michigan. 1941. 93p. \$1.00.

The Bureau of Industrial Relations at the University of Michigan sponsors an annual conference on current problems in the field of employer-employee relations. This publication contains summaries of the addresses delivered at the 1941 conference. The addresses cover such topics as industrial leadership under current conditions, economic problems generated by the defense program, recruiting and selecting employees in rapidly expanding industries, training programs, employee cooperation in quality control, and measures affecting Canadian industry and labor in the present emergency.

Interchanging Ideas Between Management and Employees. Harold B. Bergen, J. J. Evans, Jr., and Howard A. Marple. Personnel Series No. 46. American Management Association. New York. 1941. 24p.

Three papers which were read at the 1941 Personnel Conference of the American Management Association are published in this pamphlet. They include: "Fundamentals of Personnel Administration," by Harold B. Bergen; "Interchanging Ideas Between Management and Employees," by J. J. Evans, Jr.; and "The Responsibilities of an Industrial Editor," by Howard A. Marple.

ARTICLE ABSTRACTS

PERSONNEL ADMINISTRATION— GENERAL ASPECTS

1. Emmerich, Herbert. **Administrative normalcy impedes defense.** *Public Administration Review* 1 (4) Summer, 1941: 317-325.—With the abandonment by responsible public officials of the policy of appeasement has come the necessity for business, labor, government, and the general public to depart from normalcy and adapt to conditions in a world crisis. Business has had to meet defense production needs, with the cooperation of labor, and the general public has accepted selective service, increased income taxes and curtailment of consumption of material goods. Public administrators must conform to this national trend away from normalcy by discarding the habits of mind and the mental inertia that were the principal ingredients of normalcy, by rooting out every vestige of administrative normalcy which is impeding or may defeat our program of national defense. The approach to administration must be readjusted. Administrative normalcy must yield to the needs of total defense. Jurisdictional jealousy, particularly between existing and emergency agencies, must be eliminated. Non-essential programs must be dropped or curtailed to make way for defense activities. Procedural overcoordination must yield to the need of line personnel to be able to act. Staff work should be increased in the area of policy coordination rather than procedural perfection. Trained administrators in permanent positions must be willing to take the risks of job insecurity when called to major defense posts. Other administrative habits which are normally useful but which need to be curbed now are "conferencing," "memorandizing," and "chartism." Both authority and responsibility must be delegated; no barriers must be created between the public and the "administrative profession;" and airing of purely administrative problems through newspaper columns should end. Many federal agencies have re-evaluated their operating habits and have expedited their procedures tremendously to facilitate the defense program. Still needed is a streamlining of position-classification procedures, particularly

for low-grade repetitive jobs and in top jobs. Some plan must be worked out for the recruitment and basic training of large reserves of stenographers and typists. Planning officials may need to delay long-term perfection and immediately provide temporary plans in cooperation with operating officials so that the urgent decisions of the moment may be as harmonious as possible with long term policy. Technical specialists need to be provided with administrative assistants trained in federal procedure who can shoulder the burden of administrative detail. The defense organization must be kept flexible, with wide latitude for executive discretion in creating and changing it to meet changing situations. Continuous over-all organization work in administration management, of the type being undertaken in the Bureau of the Budget, is necessary. The crisis is presenting to men and women in the permanent federal administrative service a challenge to meet the needs of the hour. If they can prove themselves flexible and resourceful and capable of leading rather than following the other groups of the country who are adjusting themselves to the crisis; if they can secure for public administrators increased respect from management and labor leaders who are brought in contact with them; if they can shake themselves out of old grooves and depart from normalcy enough to meet new situations in new ways; if they can remain in a position of relative neutrality to conflicting pressure groups who are trying to exploit the program for their secular ends; then the need for and continuance of public administration as a career service will be proved and assured.—Edgar B. Young.

2. Mitchell, James M. **The role of the public welfare personnel officer.** *Public Welfare News* 9 (7) July, 1941: 1-3.—A brief sketch of the merit system movement as it has developed during the past six decades is given in order to illustrate the significance of the fact that every public welfare agency at the state level is now operating under some form of merit system. The overwhelming trend in government civil service organization has been toward the establishment of a centralized personnel agency

largely independent of the departments under its jurisdiction. This was due to the philosophy of a negative control of spoils-ridden operating departments. The task of personnel management has now changed from the restriction of political patronage to that of a positive management aspect. Recent civil service laws have made clearly apparent the positive approach toward the merit system and show increasing concern about such matters as service reports, employee training, employee relations, transfer, and promotion problems. The personnel agency has adopted a new attitude toward the operating department—that of servicing the department and helping it in the solution of personnel problems. The closer working relationship is illustrated in the appointment of departmental personnel officers who assist in carrying out a proper personnel program within the department. Apart from the federal government, departmental personnel programs have been slow in emerging. With the development of the state merit systems under the amended Social Security Act, the welfare department in states which did not already have civil service systems is charged with certain technical personnel activities that heretofore have customarily been lodged in the central personnel agency. This makes it imperative that the services of individuals trained in personnel administration be secured by welfare departments if the program is to be properly implemented. With the initial work of establishing a merit system program now virtually completed, there still remains the continuing problems of reclassification, adjustment in pay, transfers, promotions, separations, service reports, personnel records, employee welfare activities, etc. Unless persons with the necessary qualifications for this type of work are appointed and given their appropriate place in the administrative family, many of the potential benefits of the merit system program will remain unrealized.—*Harry Albert.*

3. Sheddan, Boyd R. **Personnel functions in an assistance program.** *Public Welfare News* 9 (7) July, 1941: 3-5.—This study discusses the respective responsibilities and duties of the merit system agency and the personnel office of an assistance department. Particular reference is made to Pennsylvania, where by law four functions are joint responsibilities. They are as follows: to classify positions; to determine salary ranges; to establish minimum qualifications and to make rules and regulations for procedure involving demotion or removal of employees. Both agencies have a definite interest, the Civil Service Board because of the examining it must do for the positions, the Personnel Department because these functions are of great importance in determining whether or not administration may be effective. Joint authority is not sound but may be successful if there is a willingness

to evolve a mutually satisfactory solution. The classifying of positions and the setting of the compensation is a cooperative function but since they are an integral part of an organizational pattern, and since responsibility for their efficient operation rests with the Personnel Department, they should be allowed to determine the pattern of the organization. Examinations and qualifications are definitely an area of responsibility of the Civil Service Board, but to do this successfully the Board needs from the Personnel Office particular information as to the characteristics of the jobs and special abilities required. Demotional and removal procedure should entirely and independently be in the hands of the Civil Service Board in order that they may be impartial in their decisions. The procedure on appeals should be established as the result of the experience of the Civil Service Board and the Personnel Office with appeal hearings. It is difficult to draw the line and catalogue definitely the various functions, but the following appraisal is offered. Cooperative functions should include job analysis and classification, development of compensation plans, determination of qualifications, and service ratings. Recruitment and examinations are primarily a responsibility of the Civil Service Board. The remaining functions provide an area of operation for the Personnel Office: placement; training; working conditions; salary changes; transfers; promotions; demotions; furloughs; and dismissals.—*Harry Albert.*

4. Starr, Joseph R. **The Hatch Act.** *National Municipal Review* 30 (7) July, 1941: 418-425.—The recent release by the United States Civil Service Commission of the compilation of extracts of letters relating to the Hatch Act indicates its interpretation of the Act's provisions. The first act applied only to federal employees in the unclassified service; the second act in July, 1940 greatly extended the scope to include officers and employees of the state and local agencies whose principal employment is in connection with any activity financed in whole or in part by federal grants or loans. Responsibility for enforcement of the Hatch Act is divided among a number of different agencies: (1) the Department of Justice, in cases where there is a criminal penalty; (2) insofar as the ban against political activity upon unclassified federal employees is concerned, the federal department or agencies employing them is responsible, the facts being determined administratively; and (3) in the case of a state or local employee, the federal agency having charge of the grant-in-aid or loan is responsible. Suspicions of violation are to be reported by the federal agency. The statute also authorizes the Commission to act on the receipt of any other information which seems to the Commission to warrant an investigation, allowing complaints to be

filed by private individuals or groups. The Commission has the power to hold hearings determining whether there was a violation and, if so, whether it warrants dismissal. If the Commission decides upon dismissal, it must notify the parties involved, and responsibility for enforcement shifts to the state or local agency. There is a thirty-day waiting period, during which an appeal may be taken to the Federal District Court. If at the end of the period, the offender has not been dismissed, the Commission must notify the federal agency having jurisdiction over the funds involved and such agency must withhold a sum amounting to double the annual salary of the offender. While numerous agencies share in the responsibility for enforcement, the authority of the Commission is paramount in all cases involving state and local employees. It determines facts, interprets terms of the Act and has a broad rule-making power. The Act contains some definite indications as to its scope among state and local employees. The prohibition against the use of official authority in elections by persons employed in administrative positions applies to employees in all branches of the government, while the prohibition against the use of official authority by employees below the administrative level applies only to employees in the executive branch. The term "executive branch" has been interpreted broadly to include all departments and agencies that are not clearly part of the legislative or judicial branches. It does not follow that all of the employees of these agencies are subject to the Hatch Act, as an examination of the terms of the statutes making the federal grants or loans may show that some of the employees of an agency are not included. The words "principal employment" have been interpreted by the Commission to apply to employment with the state or local agency and not to employment that is private in character. Persons on temporary, intermittent or on a per-diem basis working for an agency, their time not occupying a substantial portion of the working day and not affording the principal means of livelihood, are not subject to the Act except during period of active duty. Interpretation of the word "activity" should be kept in close relationship to the terms of the federal grant providing funds for such activity, the specific language of the statute or order making a grant being considered basic in determining the activity. The size of the grant is immaterial in determining the application of the Act to employees, nor does the source of the employee's compensation control the interpretation. The Civil Service Commission has announced some pretty definite opinions of the key passages in the Act and some principles which it intends to follow in making interpretations. These principles of interpretation may be applied to other statutes authorizing grants or loans to states or local units and

by the use of these techniques many employees will be able to determine to their own satisfaction their status under this law.—Ray L. Wilbur, Jr.

5. Viteles, Morris S. *The role of industrial psychology in defending the future of America. The Annals* 216 July, 1941: 156-62.—Any successful socioeconomic system must provide those living under it with improving material conditions as well as the opportunity for intellectual and spiritual expression and development. In the future America, industrial psychology can contribute to both of these requirements: first, by developing methods for the most effective utilization of labor; second, by the study and correction of those industrial conditions which cause dissatisfaction, mental conflicts, and maladjustments and are thus an indirect source of social unrest and instability. The selection and placement of employees offers the psychologist a significant opportunity to contribute to these objectives. The importance of proper initial selection is magnified under present labor practices because of the difficulty of correcting mistakes, particularly under labor agreements which emphasize seniority as the basis for reinstatement. Discharges for incompetence, which, of course, reflect errors in selection, are a common source of labor difficulties. Job training is another field for the industrial psychologist. Of particular importance is the retraining of experienced employees to keep them "up" on their jobs, especially when technological changes require the development of new skills. Studies of time, motion, speed, and rhythm of work offer opportunities for the elimination of fatigue, establishment of proper work methods, accident reduction, and similar achievements. However, the most important contribution of industrial psychology will probably be in studying and developing means to strengthen the "will-to-work." One reason that the output of workers seldom if ever equals their capacity is that too much dependence has been placed upon financial incentives. Studies such as those of T. N. Whitehead at the Hawthorne plant emphasize the importance of the "social situation" as a motivating force and the complexity of factors entering into work incentives. An important instrument for isolating and analyzing such factors is the measurement of attitudes of workers. The attitude studies of H. B. Bergen and E. M. Chamberlin illustrate the possibilities of such studies in establishing the basis for a better understanding of general labor problems as well as in revealing specific sources of dissatisfaction and conflict.—Frederick C. Mosher.

PERSONNEL AGENCY MANAGEMENT

6. Avery, Robert S. *Civil service and citizen opinion. Nat. Municipal Rev.* 30 (7) July, 1941: 412-417.—The writer conducted a survey in 1940 in Evanston,

Illinois, with the following objectives in mind: (1) To determine whether people were in favor of civil service for city employees and whether they were well enough informed to express intelligent opinions concerning it; (2) To determine whether the public believed that government is likely to be more honest and efficient with civil service; and (3) To determine to what extent the public was informed on the work of the Evanston Civil Service Commission. The sampling technique used was one similar to that employed by Gallup. The questionnaire was tried out and thoroughly discussed before actual interviewing took place. All questions were presented orally by the writer in order to maintain a degree of uniformity throughout the survey. The various questions, and the public reaction to each, were as follows: *Do you think that civil service for city employees is a good thing?* Yes, 82 per cent; No, 6 per cent; No opinion, 12 per cent. (The professional and executive groups were completely in favor of civil service; unskilled laborers were 50 per cent for it while 40 per cent responded "no opinion.") *Do you think that all employees of the City of Evanston should be under civil service?* Yes, 39 per cent; No, 45 per cent; No opinion, 16 per cent. The third question listed all classes of employees employed by the city and requested the citizen to indicate which classes should be under civil service. The results showed that 62 per cent of those who believed all employees should be under civil service reversed themselves on this question, checking one or more classes that should not be under civil service. On this question 70 per cent of the entire group were not in favor of extending civil service to include all classes. Fifteen per cent were for a complete coverage, 15 per cent had no opinion. Of those opposed to complete civil service coverage, 63 per cent were against including common labor. This opposition was based on a misunderstanding; namely, that common labor would be required to take a written examination. Next highest group to be excluded were the positions of Alderman and Mayor. Ridiculous indeed was the idea of the 15 per cent, who believed the Alderman and Mayor should be under civil service, especially when it was apparent that 14 per cent of the college graduates polled were in favor of such action. *Does civil service insure honesty in city government or does group politics working behind the scene overshadow all efforts toward honest administration?* Insure honesty, 68 per cent; Does not insure honesty, 19 per cent; No opinion, 13 per cent. As to civil service insuring efficiency in government, 80 per cent believed it would, 10 per cent saw no relationship, and 10 per cent expressed no opinion. *In general are you satisfied or dissatisfied with the work that is being done by the Evanston City Civil Service Commission?* Yes, 28

per cent; No, 9 per cent; No opinion, 63 per cent. In conclusion it can be said that civil service is understood primarily as a theoretical concept relating to efficiency as contrasted to the spoils of patronage. Beyond that point the public knows little, for results were characterized by inconsistency and misunderstanding. If a government unit is to be successful in carrying out its promises, it should see to it that the public is well informed. Otherwise, suspicion arises and a suspicious public spells doom to any hope of permanent success. It is the task of the civil service proponents to continue to educate the public both in the theory and practice of administration based upon its principles.—Ray L. Wilbur, Jr.

CLASSIFICATION; PAY

7. Burke, Samuel L. H. *Pricing the wage or salary scale. Advanced Management* 6 (2) April-June, 1941: 86-90.—In establishing a systematic and orderly wage or salary scale, first the relative difficulty and importance of the jobs in the industry must be ascertained. The method for this determination involves job analysis and the preparation of specifications, the selection of key jobs, a determination of the factors determining the difficulty and importance of a job, the use of pooled judgment for analysis of existing key job pay rates, the preparation of a job comparison scale, the use of the job comparison scale as a measuring stick for the evaluation of all other jobs, and checking the resulting rates by having over-all or total rate comparisons made by individuals who did not take part in the detailed factor rating. Since the factor comparison method of job evaluation results in "difficulty" point ratings which are directly expressed in terms of wage rates, a new payroll can be easily computed, based on the assumption that all overpaid and underpaid jobs be adjusted to the flat wage rate or range. The total of this computed payroll should not vary appreciably from the existing payroll. A scatter diagram should also be prepared to indicate the relationship of difficulty points to wages or salaries now being paid. The resulting "line of best fit," computed on the basis of the method of least squares, when compared with the theoretically correct line will show the degree of previous under or overpayment of low-grade jobs as compared to high-grade jobs. Next, a survey should be made of the market wage scale for "anchor" jobs. The data obtained from the survey may be plotted in the same manner as the data on jobs within the company, and the line indicative of the central tendency of the survey data may be compared with the line indicating that same tendency of rates within the company. In the selection of the wage or salary level an attempt should be made to pay, as far as possible, the same salary or wage per unit of time

along the entire scale. When a survey indicates the necessity of revising the company's wage scale upward or downward the original detailed point ratings need not be altered. The selection of the rates for all jobs in the company should be along the line of central tendency of all the market data rather than the average market rate of any particular job. A sudden heavy demand for some one kind of skilled worker may force a company to pay higher than its standard rate for that work but such departures should be labeled, watched, and the rate reduced to its proper relationship with other jobs as soon as the temporary conditions have ended. If it becomes difficult to hire a majority of workers or a general grade of workers, the entire wage scale should be reexamined. This formal method of job evaluation is only the addition of the scientific approach to long-accepted methods to arrive at a systematic method for determining wage and salary rates and differentials.—*Charles F. Parker, Jr.*

8. McNeill, W. K. **Formula for wage adjustments.** *Personnel* 18 (2) September, 1941: 76-80.—The Leeds and Northrup Company has three plans for paying extra compensation in years when company profits permit: one for production executives; one for the sales force; and one for other employees (both salaried and hourly-paid). The last of these, started in 1937, is called the Supplementary Compensation Plan. The plan is based on profits after provision for certain specified reserves is made. The plan is established on a yearly basis and provides that employees with an accredited total of nine months' service at the beginning of the fiscal year share in the plan in proportion to their "normal annual earnings" and "length of service." Leaves of absence are included in length of service. Each eligible employee receives a certain per cent of his normal earnings. Two or more years of service entitle an employee to an additional amount for each year of service beyond the first year up to a total length of service of eleven years. Employees with less than three months' service are not eligible but eligibility is determined on a quarterly basis so that persons with three, six, or nine months of service benefit proportionately. A sliding scale salary reduction plan provides for salary reductions in accordance with a definite scale based on average net losses of the three months preceding such time as reductions are considered necessary by the company's executive committee. To date there has been no occasion to use this plan. A Cost-of-Living Adjustment Plan uses the quarterly "Index of Cost Goods Purchased by Philadelphia Wage Earners and Lower-Salaried Workers," furnished by the Bureau of Labor Statistics as a basis for paying extra compensation whenever the index is higher than 99.9. Whenever this index rises one or more

full points above 99.0, a weekly payment of extra compensation will be made to all employees during the ensuing quarter. This extra payment will cease when the index falls below 100.0. The present increase table provides for 1 per cent extra compensation for each 1 per cent increase in the index. This plan will be reviewed if the index reaches 125.—*Charles A. Meyer.*

9. Unsigned. **Wage and salary adjustment program.** *Personnel* 18 (2) September, 1941: 81-84.—There are several possible approaches to the wage adjustment problem. That approach which is limited to bargaining alone has the defect that labor asks more than it hopes to get, while management offers less than it expects to pay. The resulting bargain may result from a power play or a better guess on one side, the opposite side remaining unsatisfied. Labor may approach the problem by raising wages to the highest level prevailing in a concern, group of concerns, or locality. Where a labor shortage combines with increased cost of living, some concerns are caused to bid up the labor market. This tends to cause an ever-rising spiral bordering on hysteria. Application of pure economic theory is tempting but does not help the industrial man with a specific wage problem on his hands. It is better to establish in your own mind a reasonable basis you can apply to the wage question at any time, and then sell your employees on the justice of the formula—and the facts derived by the formula—as a basis for wage adjustments. Separation of your plant into classes of labor for which there is a supply and demand provides a basis for setting base rates. It is then necessary to establish a principle of adjustment such as your willingness to pay rates as good or better than the weighted average prevailing in the community for classes of labor for which there is a supply and demand in the local market. The community should be fairly defined to include all plants in which your employees could obtain employment while retaining the same residence. When this is done rates are easily established for those classes in which supply and demand are operative. With such classes as reference points a curve can be drawn into which special classes not affected or rateable directly by supply and demand can be fitted. Such a plan makes feasible the adjustment of rates for individual classes or for any combination of classes.—*Charles A. Meyer.*

10. Unsigned. **Salaries and working conditions in police departments.** *Monthly Labor Rev.* 52 (4) April, 1941: 817-826.—The survey was based on reports from 362 cities with a population of 25,000 or more. Because of the size of the New York City police force, together with its unusually high salary scale, this city is reported separately. There were

90,703 employees of police departments in these 362 cities, representing a population over 48,400,000 on July 1, 1938. The total annual salary budget approximated \$212,700,000. There were 19 police department employees per 10,000 of population, at a per-capita cost of \$4.39. If New York City is excluded, the figures are 17 per 10,000 at \$3.74 per capita. The average annual earnings decreased directly with the size of the city. New York was high—\$2,940; 12 other cities with a population of 500,000 or more—\$2,355; and 175 cities with population between 25,000, and 50,000—\$1,907. More than three-fifths of the inspectors received \$4,050 or more per year. All but 2 per cent of the lieutenants earned less than \$3,050. Five-sixths of the detectives had a salary range of \$1,250 to \$3,050. Large cities paid higher salaries than smaller cities. This is very clearly shown by a chart. Less than 17 per cent of the employees in the New York Department had salaries under \$2,550. The number of employees and the per-capita cost increases with the size of the city. Hours of work vary from continuous duty to a 40-hour week, the prevailing condition being 8 hours per day. One day a week off was generally provided. Two weeks' vacation with pay was granted in the majority of cities.—*Francis King.*

RECRUITMENT; SELECTION; INDUCTION

11. Horchow, Reuben. *Age and success in civil service examinations. Public Personnel Quarterly* 2 (3) Summer, 1941: 105-12.—Until recently, the tendency of industry to discriminate against older workers in initial employment seems to be growing. The increasing demands of our national defense problems have checked the tendency to some extent, but it is questionable whether personnel agencies have rid themselves of this bias. Whether the various rationalizations summoned to bolster the practice have been proved by critical analysis of any mass of data is highly questionable. Civil service commissions have large amounts of examination data which might be profitably analyzed. However, until their data are so recorded as to lend themselves easily to compilation and tabulation, the time and cost of such studies would be prohibitive. And so a promising and fertile source of data is left largely untouched. Analyses of the tabulations of eleven examinations conducted by the Ohio State Civil Service Commission indicate that increasing age seems to have adverse effect on achievement. In all but one of the examinations the median age of the eliminated group is higher than that of the qualifying group, and in eight of the cases the difference is quite significant. Totals for all the examinations show that 29.4 per cent of the candidates in the 21-25 age group were eliminated. This figure increased to 46 per cent for the 41-45 age group, and

to 65 per cent for those over 61. Further data were tabulated for the examinations to show the relationship between required experience and median age of competitors, the percentage of competitors in each age group eliminated by each examination, and the percentage of competitors eliminated by each examination. The median age was computed for the highest quarter and the lowest quarter of competitors in four examinations. When the age differentials between the two groups were tabulated, they showed an age differential of 3.6 years for one examination, 5.2 for another, 5.0 for a third, and 2.3 for the fourth. While all of these data would seem to indicate that there is an inverse relationship between competency and chronological age, the data are neither sufficiently extensive nor sufficiently analyzed to make such an assertion with certainty. Certain factors, however, lend support to such a theory: the examinations were of the objective type; none of the examinations included time limit tests; the rating given for experience was not biased in favor of the younger applicant; and the interview was probably biased in favor of the older applicants. On the other hand, it has been urged that civil service tests, particularly written tests, are deficient as techniques for measuring the competence of older persons. Furthermore, the examinations were given in a year of greatly expanding employment, and the result might be different during the period of depression. A further consideration seems even more vital. Generally speaking, competent employees tend to be retained in private industry and persons in their forties and later who have demonstrated competence are fairly well adjusted and satisfied and have little or no desire to be employed or to look for employment in the public service. Those in the upper age brackets of least competence are, as a rule, much more likely to be looking for employment which promises security. As a result, we probably find in the upper age brackets a much heavier loading of the private "rejects"; insecure, unadjusted, marginal people of relatively low competence. It is true that in many cases "unsuccessfals" are not of low competence, but by and large the "rejects" of private business and industry are less desirable than those retained. These and other comments which might be made point to the necessity for a very careful analysis of the research which should be undertaken in this area and indicate the need for great caution in one's reliance on any data, no matter how plausible.—*Charles H. Bentley.*

12. Powell, Norman J. *Recruitment in New York City. Personnel Administration* 3 (10) June, 1941: 1-5.—The purpose of recruitment is interpreted in this discussion to be the enlistment and retention in government employment of best qualified persons. In the New York City Civil Service Commission, the

recruitment program emphasizes four variables: (1) *The attractiveness of the job opening.* First, the salary level must be high enough to attract qualified applicants; however, since it is the budgetary authority which sets the salary levels in New York City, the Civil Service Commission is not in a position to control this factor. Secondly, the position must offer promotional opportunities; among other measures, the Commission has given city-wide promotion tests and has in some open competitive examinations given favorable weights to city experience. Finally, the Commission has endeavored in its announcements to describe in attractive, understandable language the nature of the work to be done. (2) *The general attractiveness of the municipal service.* Recognizing the lack of high prestige of public service, the Commission has taken positive steps to improve it, including the making available to the public of official records, eligible lists, and rating keys to objective questions, the presentation of regular broadcasts over station W N Y C, and the release of a movie, "Merit System Advancing." (3) *The nature of the examining process.* Since it is prohibited by law from setting age limits except for specific types of positions, the Commission must utilize other parts of the examining process to yield the types of eligibles it desires. Its examining policy has stressed articulation with the local educational system chiefly with reference to emphasizing the measurement of capacity and intelligence in entrance jobs rather than stock or cram information or the benefits of mediocre experience. Further, educational equivalents are very frequently accepted in place of experience requirements. (4) *The advertisement of the job opportunity.* The importance of this phase of the recruitment program lies in the fact that no examining procedure, however efficient it may be, can place at the top of an eligible list persons superior to those who apply for examination. Test announcements are therefore brought to the attention of the public through media not dissimilar to those employed in ordinary advertising. Special mailing lists are used, particularly in professional and administrative positions. The regular broadcasts of the Commission also carry announcements. Similar announcements appear in several weekly and daily newspapers and in the "Civil Service Bulletin," a monthly publication of the Commission itself. These activities, with the exception of the examining process, are organizationally the responsibility of the Bureau of Information and Recruiting.—William A. Grelle.

13. Powell, Norman J. **Research in administrative selection.** *Public Personnel Quarterly* 2 (3) Summer, 1941: 115-23.—The many specific techniques which may be employed in analyzing methods of administrative selection may be classified under two general headings—spaced groups and expert opin-

ion. With the spaced group procedure, the experimenter forms two groups unequal as to administrative competence or capacity. The two groups are then compared in regard to all the factors available which appear to possess any likelihood of differentiating between the groups. The assumption is that the variables which distinguish between the groups are diagnostic of administrative ability, that the factor in question has contributed to the inequality and ability of the groups. Those measures on which successful administrators perform appreciably better than the unsuccessful administrator are deemed to be those which characterize uniquely the best administrators and combine to form the selection instrument. This technique is full of holes and replete with assumptions of varying degrees of reasonableness. Much depends, in the first place, on the nature of the spaced groups. Further, the assumption is made that factors which differentiate between the groups studied will differentiate between good and poor administrators generally. The second method, apparently more subjective than the spaced group procedure, is the expert opinion device. The steps in this second approach involve requesting competent administrators to indicate what in their judgment comprises an appropriate selection instrument and then deciding that what administrators hold to be the best selection basis is so in fact. As was the case with the spaced group method, administrative research based upon the judgments of experts makes a number of questionable assumptions. The first important issue concerns the source of the judgment that some administrators are superior to others. The use of expert opinion, moreover, assumes that the administrators will interpret the questions identically, that they will say what they think, that each administrator's opinion is as good as any others, and that the consensus of administrative opinion gives an accurate index of the optimum selection base.

The basic research difference in these two methods is that the collection and organization of data are differently performed. The spaced group method does provide checks and controls more difficult to achieve with the use of the expert opinion method, but when the expert opinion method is as carefully controlled, there is little difference between the two with regard to objectivity of the results. The most promising procedure perhaps is a particular combination of both. One method would be to make up a form for the written selection test, giving hypothetical questions, the trait which each question is designed to measure, and the proposed weight to be assigned to each question type. Precisely the same procedure may be employed for the oral test. Before this form is distributed among successful administrators, it is necessary to formulate a satisfactory basis for sam-

pling the total population of administrators. When the basis of sampling has been determined, administrators may then be asked to give their judgments on the desirability of the objectives, the weights, the testing procedures, and the like. The judgment of successful administrators as determined by some index, such as average opinion, would furnish a tentative selection base. Those factors that actually do differentiate between the spaced groups constitute the optimum selection basis. No extensive research along these lines has as yet been performed, but it is to be hoped that research in this area will be established on a more firm basis and that as a result of independent corroborating studies conducted in different areas, the problem of determining a sound and effective basis for administrative selection will be solved.—*Charles H. Bentley.*

14. Selby, Clarence D. **Educational qualifications of industrial hygienists.** *American Journal of Public Health* 31 (7) July, 1941: 728-30.—Since it is impossible and undesirable to create a definite cleavage between the general health problems of a community and those which pertain more directly to the industrial field, we feel that no steps should be taken to separate the training of industrial hygienists from the general program of health service. Rather should there be created means to emphasize in addition to such fundamental training, special courses to acquaint the industrial physical, nurse, engineer, chemist, and health educator with this particular field. The industrial hygienist should have fundamental training in the sciences and the humanities. The industrial physician should have a preliminary training similar to that of the health officer, and after his graduation in medicine should have supplemental training and field experience not unlike that of the health officer, with, however, major emphasis in the field of industrial hygiene and environmental health. Likewise the industrial public health nurse and the public health engineer who specialize in the industrial field should possess the basic training and experience common to other public health nurses and public health engineers, to which should be added specialized emphasis in the field of industrial service. In general, it may be said that in addition to his medical training and experience the industrial physician should have the following qualifications: a good knowledge of community health problems; a knowledge of epidemiology with special reference to the control of communicable and occupational diseases; and basic training in physiologic hygiene with special emphasis upon adult health, nutrition, and mental hygiene. The industrial public health nurse and the public health engineer in industry should have broad training which encompasses the same general field as described above but with major emphasis on those services which fall within their respective

fields. The industrial hygienist should be a part of the health personnel trained and experienced to deal with the broad problems of community health service. Such training should be begun in our schools of medicine and engineering, carried forward at graduate level concurrently with field experience, and may endure by the creation of refresher or postgraduate courses which will keep the personnel attuned to the newer technical services and abreast with the field of public health as a whole.—*Jack H. Foster.*

PLACEMENT; SERVICE STANDARDS AND EVALUATION

15. McGregor, Douglas, and Knickerbocker, Irving. **Selling a rating plan.** *Personnel* 18 (1) July, 1941: 42-48.—An employee rating plan is of no value *per se*; it must be created in response to a recognized need of the operating departments. This may be manifested in consideration of problems of compensation, promotion or transfer policies. In all of these, information obtained by means of ratings can aid in analysis of problems difficult of solution if such information were not available. When it is agreed that ratings can assist in the solution of a problem, the preparation of the details of the plan may be left to the personnel director and a small committee representing operating departments. Most personnel men believe that the way to "sell" an organization on a sound rating plan is to induce its members to participate in its formulation. This is true only to the extent of securing a committee to collaborate; it is not true if the committee itself is expected to devise the plan. The details of the plan should be worked out by a capable personnel man and submitted to an advisory committee. The committee thus carries the responsibility for the plan without enmeshing itself in details which it is not equipped to handle. The evolved plan when launched should be applied to specific problems and not through the medium of a formal report. It may be desirable to avoid rating the older employees or supervisors. The plan should be extended whenever and wherever its application in solving a specific problem can be demonstrated, for selling is a continuous operation. The committee approach diverts attention from the director and lends prestige to the program which might not be attainable by the director alone.—*Charles A. Meyer.*

16. Newton, Thomas G. **Supervisors recommend own review plan.** *Personnel* 18 (2) September, 1941: 95-101.—The merit rating plan for hourly employees of this company was originally inaugurated to give each employee an opportunity once a year at least to discuss his performance and future with his supervisor. Through discussion of this plan during sessions of the Plant Conference Training Program—

a medium affording the supervisors a chance to discuss their problems and exchange ideas and to provide a two-way channel through which opinions may pass—it was decided that a plan should be developed for rating supervisors. The plan developed by the supervisors provides for annual ratings, covering both performance factors and personal traits. The form contains a job description which is used as a reference point in rating the various traits. The rating is done by answering a series of questions on performance and traits exhibited by the supervisors, each answer being amplified and supported by statements of actual cases and facts. A summary evaluation of the employee is made as well as a statement for the individual's capacity and ambition for advancement. Finally, the plan and form provide for a statement by the reviewer based on all compiled information as to what he can do to make the supervisor more effective in his present position and in future positions, and what the individual himself should do. The forms are reviewed with the rated individual and his reactions obtained. The form and system are means to an end, the goal being a clarification for each supervisor of his status and prospects. Embodying the elements suggested by both subordinate supervisors and management, the plan is of considerable value to both.—Charles A. Meyer.

TRAINING

17. Brown, J. L. and Wilgus, George. *New Jersey trains prison officers. Personnel Administration* 3 (10) June, 1941: 6-9.—Although the civil service system was adopted by the State of New Jersey in 1908, no attempt was made to recruit officers for all penal institutions from one general examination until the inception of the Prison and Reformatory Officers Training School in 1931. Prior to that time officers and guards for the state prison and the reformatories were recruited by separate civil service examinations. This first school was made up of employees recruited through a prison officer examination held in 1930 and, being experimental, served to show "irrelevant course material, unnecessary training procedures and the need for a more careful selection process by the Civil Service Commission." Two additional schools followed during the same year. For the fourth school, twenty-nine individuals were selected from an eligible roster for Prison and Reformatory Officer resulting from a general examination in 1931. The experience during this year proved that the schools were valuable in acquainting candidates with "problems, techniques of administration, and certain essential knowledges" but also in creating a "positive morale and healthy psychological approach to the work." After a training school held in 1932, the infrequency of appointments to positions due to economic con-

ditions and lack of available funds deferred another session of the school until 1937, when thirty-three candidates on a large register for Prison and Reformatory Officer were admitted to two different sessions. The institutional authorities find less time is required for direct supervision of the generally desirable employees who have attended the training school, and that the presence of trained men among older and more lax employees has caused an increase in the efficiency of this latter group. The training school held early in 1941 included among the course material such subjects as: crime statistics, organization and budgeting, courts and court procedure, discipline, officer-inmate relationships, mental levels, psychiatric examination, medical problems, juvenile delinquency, officers' reports, classification and release preparation. Attendants at the school received \$50.00 per month and maintenance, and were held to an intensive schedule. A summary of benefits derived from the school shows: (1) pre-job training of this nature provides supervisors with an opportunity to evaluate candidates probable job efficiency; (2) the candidates acquire knowledges of definite value that can be used on the job; (3) selected candidates obtain a proper moral and psychological approach to the penal problem and their job as part of it; (4) the induction period of candidates is shortened and personnel problems reduced; and (5) general level of job performance of all employees is bettered.—Perry Huntley Hoffman.

WORK TERMS; CONDITIONS OF EMPLOYMENT

18. Cameron, W. H. *Reducing plant accidents under high-speed defense production. Personnel* 18 (1) July, 1941: 2-13.—The frequency of accidents in industry is increasing in greater proportion than the increase in employment. Studies which attribute this to new or inexperienced employees do not define a "new" employee with sufficient clarity to indicate the extent of inexperience as a factor in accidents. There is no indication as to whether or not the men new to the reporting organization had previous experience. Accidents should be investigated to determine if the cause be lack of discipline, counsel and training or something else. Many accident causes when analyzed including those of alleged "accident-prone" employees prove to be due to physical defects which would have prevented the employee from becoming such if a thorough physical examination had been included in the selection process. Other accidents result from improper attitude or lack of knowledge and skill. Certain traits will not be apparent until an employee is actually on the job. Those traits, including aptitudes and skills which are measurable, should be checked during the selection process. Once the

employee is on the job, supervision and training should also be on the job guarding against accidents. Careful selection and supervision will probably cause the number of "accident-prone" employees to diminish. If such an employee appears, the pattern of his accidents should be studied and the real cause determined. Defense speed-up of industrial work is manifested in forms other than actual speeding up of the individual worker. Increased production creates a problem of storage and housecleaning, but if these, together with selection and supervision, are adequately handled much of the accident problem will be solved.—Charles A. Meyer.

19. Roberts, Kingsley and Brown, Martin W. **Meeting the problem of absenteeism due to illness.** *Advanced Management* 6 (2) April-June, 1941: 61-5.—Absenteeism due to illness is costing industry more than \$60 per employee per year and is costing the employees even more. In 1940 while strikes caused a loss of about *two hours* per worker per year, absenteeism due to illness resulted in a loss of approximately *eight days* per worker. Ninety per cent of the absenteeism is due to non-industrial illness. Medical plans to meet this problem have followed no fixed pattern. Their sponsorship is by management, employees, unions, medical societies, private doctors or cooperatives. They are financed by the companies, by the employees, or by both. They also vary considerably as to extent and type of coverage and the methods of providing the medical service (i.e. groups of full-time physicians, panels of selected physicians, etc.). Many factors, such as the type of work and its hazards, the number of workers to be covered, the area in which the workers reside, the mobility of the working force, and the adequacy of existing medical facilities affect the determination of the proper plan for the industry. Smaller companies can provide these services through group health plans. The objectives of a proper program are: (1) improved health of the working force; (2) security for the employee against the financial hazards of illness; and (3) increased efficiency and raised production level. Apparent advantages of medical plans are: (1) a more intelligent use of medical resources; (2) a developing (rather than a breaking down) of family-physician relationships; and (3) specialization and coordination of medical services. No categorical answer can be given as to the best plan for organization except that employee participation and responsibility, commensurate with their contribution toward the support of the plan, is essential to its success.—Charles F. Parker, Jr.

[See also Abstract 10]

EMPLOYEE RELATIONS

20. Hersey, Rex B. **Labor relations of 1941—cooperation vs. dictation.** *Personnel* 17 (4) May, 1941:

270-88. Strikes can be avoided without resort to legislative enactments. Intensive studies of individual workers in the United States, France, Switzerland, Italy, and Germany have indicated that the application of certain principles and practices in industrial organizations will reduce or entirely prevent organized work stoppages. Honest application of these principles and practices, and treatment of labor as a true partner (the latter being educated to assume its proper responsibility), will result in labor troubles being reduced to negligible proportions. Although the individual worker is the most important cog in a sound labor relations program, there are general plant objectives which cannot be neglected. These factors are the ones upon which morale is built. Proper placement is essential so that the worker can bring to the job the necessary qualifications to afford him a feeling of accomplishment; the employer, in turn, offers him a feeling of purposefulness through training or incentive and freedom of movement and thought. Satisfactory working conditions are essential although they tend more to prevent unhappiness than to constitute conscious reasons for happiness. Security and satisfactory remuneration, the latter determined cooperatively by industry, labor and government, are essential general objectives. A mechanism of industrial law to assure protection against unfair treatment, punishment in proportion to negligence or inefficiency, reward in proportion to effort and efficiency, and mutual recognition of both workers and managements rights, must be established to serve as guides. These factors when obtained provide the environmental situation basically essential for industrial harmony. Equally important, however, are the personality traits of the employee and what he thinks of the environmental situation. He must be recognized by management as an individual and his needs as an individual human must be given the treatment to which entitled.—Charles A. Meyer.

21. Lubin, Isadore. **A labor policy for the emergency.** *Proceedings of the Academy of Political Science* 19 (3) May, 1941: 55-64.—Our present problem is one of so mobilizing and organizing our human and economic resources that essentials of defense may become available as efficiently and expeditiously as possible. Any labor policy for the emergency must center on that single objective. To convert the 30 billions of dollars already authorized or appropriated into the materials needed for defense will require approximately 16 million man-years of employment divided into the major fields of ship construction, aircraft production, ordnance, and building construction. The very immensity of these figures makes evident the tremendous task of labor placement, one essential part of a labor policy. Further increasing the placement problem is the abnormal nature of the work required; accord-

ing to existing estimates only 25 per cent of the man-year requirements are for unskilled workers. By September 1941, the employment of the highly skilled machine tool industry will be twice as great as its former peak, 1937. During 1941, employment in the shipbuilding industry will increase about 240,000; by September 1942, another 325,000. In all, if the construction and plant facility program is realized, approximately 4 million workers will be added to industry during 1941. The first essential of any defense labor policy must be to make sure that sufficient labor with the necessary skill is available where needed and when needed. This involves the mobilization of the now-existing unemployed labor supply, an increase in the activities of federal and state employment services, courses for refreshing unused skills, training of workers capable of being upgraded, vocational training of newcomers for semi-skilled work, a national policy of new plant location to utilize to best advantage the labor supply, and a well developed policy of subcontracting. The machinery for all this is today well established through the labor division of the O. P. M., the United States Employment Service, the N. Y. A., the C. C. C., the United States Office of Education, and the Apprenticeship Division of the Department of Labor. One additional aspect of the problem requires attention—that of discrimination in defense employment against qualified available workers because of race or color. The second problem for our emergency labor policy is morale. The effective realization of our defense needs requires a wage policy which will enable the worker to maintain a proper level of living, but it also requires a wage policy which is conducive to stability. A beginning toward the latter is the establishment of a uniform wage structure in the shipbuilding industry on the Pacific Coast to eliminate labor pirating and migration. Similar arrangements will be made in other basic industries. Avoidable industrial accidents must be eliminated. In 1940 alone, in the non-agricultural industries of the country, temporary total disabilities caused 46 million man-days of the idleness. Including permanent disabilities and deaths, 117,000 full man-years were lost, and 1941 will show an even greater loss. There is ample evidence that once management has determined to eliminate them, such losses are for the most part avoidable. Preventive health work, too, must be considered. Housing must come into an effective labor policy as a factor in excessive turnover and loss from illness. Excessive commuting distances increase fatigue and unwillingness to work overtime. There is, also, the entire field of "labor relations" affecting morale. Scattered evidence reveals that more production is lost because of workers' feelings of unfair play, lack of handling of grievances and the like than because of strikes. An "all-out" labor policy must take into considera-

tion every factor that bears upon the availability of productive man-power. Important as is the strike problem, it is insignificant as compared with avoidable idleness caused by other factors.—*Kenneth E. Dougan.*

22. Unsigned. **Seniority provisions in union agreements.** *Monthly Labor Rev.* 52 (5) May, 1941: 1167-1177.—This article is prepared by the staff in the Bureau's Division of Industrial Relations (Department of Labor). "Seniority is the principle of granting employees preference in certain phases of employment in accordance with length of service." The principle of seniority was early established by the railroad unions. This was caused by the fact that many of the skilled tradesmen suffered frequent short periods of lay-off. The printing trade unions were also among the first to advocate the principle of seniority. Mass production has introduced conditions whereby large numbers of unskilled or semi-skilled workers are employed in industries that have regular periods of lay-off. In the recent unionization drive in these industries the principle of seniority has been incorporated in most of the contracts. Unions that are organized in the building, construction, clothing, and coal mining industries generally make no provisions for seniority. This is due to the definite seasonal nature of the work. The unions there have tried to meet the situation by devising schemes for spreading work. The application of seniority to employment conditions raises important and difficult questions for both the employer and the union. Such questions must be answered as: (1) Shall seniority be considered on a basis of entire plant and department, or by occupational activity? (2) What is the reaction of the junior employee who is a competent workman and also a member of the union? (3) To what extent shall the competence and ability of the worker be recognized? There are a number of advantages to the principle of seniority. It does prevent discrimination in firing and lay-off and prevents favoritism in promotions. It reduces the number of voluntary quits and for those industries which have short periods of lay-off, it also guarantees that an experienced working force will return to the job, which is a real saving to the employer. Most union contracts recognize a probationary period for new employees, and if this probationary period is successful, the employee's seniority starts with the date of his employment with the company. It is a general practice that seniority lists will be posted at the places of employment and be given to union representatives. Generally, provisions are incorporated that unless the lists are corrected within a certain period, they shall be recognized as official. Seniority is generally lost when an employee is discharged for cause, when he voluntarily quits his position, or after a period of prolonged lay-off (this period

generally being more than twelve months). Loss of seniority after a prolonged lay-off is modified in some contracts, such as allowing unlimited reinstatement after long periods of lay-off providing that the employee reports that he is willing to go to work by reporting every three months. Other provisions allow employees who have five years or more of seniority to retain their seniority over indefinite periods of lay-off. In smaller plants, where the jobs are interchangeable, plant-wide seniority seems to be the established practice. Departmental or occupational seniority is generally the simplest for large establishments. This method has its limitations in that friction may be caused by the fact that older workers are laid off in one department while in other departments people with much less seniority still have employment. The transferring of employees from one department to another raises some problems. In some contracts an employee will have his seniority only in the department that he is in, but may be allowed to return to his previous department if his seniority is greater than any one there who is not laid off. Some contracts call for

a combined plant and department seniority system in that transfers and promotions are made on the basis of department seniority, while lay-offs are made on the basis of plant seniority in similar occupations. Some agreements contain the clause which allows exceptions in relation to lay-off as far as seniority is concerned, such as workers who are declared to be indispensable, or those who have exceptional ability. Generally, shop stewards and members of grievance committees are placed at the head of seniority lists. This is usually done both for the purpose of giving protection to the employee in such a position and also to have greater continuity to the procedures involved in carrying out the agreement.

As a general rule, re-employment is made in the reverse order of the lay-off procedure. Difficulties arise in that, when production is being started, different departments do not take on employees in the same order as when they are laid off. The following of strict seniority is not a frequent practice in contracts when applied to promotions.—*Francis King.*
